

To: John Siciliano[jsiciliano@washingtonexaminer.com]
From: Wilcox, Jahan
Sent: Mon 6/26/2017 5:43:12 PM
Subject: FW: JUSTICE DEPARTMENT AND STATE OF COLORADO FILE COMPLAINT AGAINST
PDC ENERGY, INC. FOR ALLEGED CLEAN AIR ACT VIOLATIONS
[PDC Energy Inc. Complaint.pdf](#)

From: USDOJ-Office of Public Affairs (SMO) [mailto:USDOJ-Office.of.Public.Affairs@usdoj.gov]
Sent: Monday, June 26, 2017 1:17 PM
To: USDOJ-Office of Public Affairs (SMO) <USDOJ-Office.of.Public.Affairs@usdoj.gov>
Subject: JUSTICE DEPARTMENT AND STATE OF COLORADO FILE COMPLAINT
AGAINST PDC ENERGY, INC. FOR ALLEGED CLEAN AIR ACT VIOLATIONS

NOTE: The Complaint is attached as a PDF.



Department of Justice

RELEASE	FOR IMMEDIATE	ENRD
MONDAY, JUNE 26, 2017	514-2007	(202)
WWW.JUSTICE.GOV	544-5309	TTY (866)

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PDC owns or operates approximately 600 tank batteries in the D-J Basin that PDC has certified as being controlled to comply with Regulation 7's system-wide VOC reduction requirements. The complaint alleges that at 86 tank batteries, and potentially hundreds more, PDC has violated numerous requirements in Regulation 7 intended to address VOC emissions from storage tanks. The complaint alleges that PDC failed to adequately design, operate and maintain vapor control

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17-703

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To: valerie.volcovici@thomsonreuters.com[valerie.volcovici@thomsonreuters.com]
From: Wilcox, Jahan
Sent: Mon 6/26/2017 5:43:28 PM
Subject: FW: JUSTICE DEPARTMENT AND STATE OF COLORADO FILE COMPLAINT AGAINST
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To: Elizabeth Harrington[elizabeth@freebeacon.com]
From: Wilcox, Jahan
Sent: Mon 6/26/2017 5:44:11 PM
Subject: FW: JUSTICE DEPARTMENT AND STATE OF COLORADO FILE COMPLAINT AGAINST PDC ENERGY, INC. FOR ALLEGED CLEAN AIR ACT VIOLATIONS
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To: Daniella.Diaz@cnn.com[Daniella.Diaz@cnn.com]
From: Wilcox, Jahan
Sent: Mon 6/26/2017 5:44:38 PM
Subject: FW: JUSTICE DEPARTMENT AND STATE OF COLORADO FILE COMPLAINT AGAINST PDC ENERGY, INC. FOR ALLEGED CLEAN AIR ACT VIOLATIONS
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To: betsy.woodruff@thedailybeast.com[betsy.woodruff@thedailybeast.com]
From: Wilcox, Jahan
Sent: Mon 6/26/2017 5:45:08 PM
Subject: FW: JUSTICE DEPARTMENT AND STATE OF COLORADO FILE COMPLAINT AGAINST
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From: Wilcox, Jahan
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Subject: FW: JUSTICE DEPARTMENT AND STATE OF COLORADO FILE COMPLAINT AGAINST
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To: Davenport, Coral[coral.davenport@nytimes.com]
From: Wilcox, Jahan
Sent: Mon 6/26/2017 5:47:51 PM
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17-703

DO NOT REPLY TO THIS MESSAGE. IF YOU HAVE QUESTIONS, PLEASE USE
THE CONTACTS IN THE MESSAGE OR CALL THE OFFICE OF PUBLIC AFFAIRS AT
202-514-2007.

To: Eilperin, Juliet[Juliet.Eilperin@washpost.com]
From: Wilcox, Jahan
Sent: Mon 6/26/2017 5:48:05 PM
Subject: FW: JUSTICE DEPARTMENT AND STATE OF COLORADO FILE COMPLAINT AGAINST PDC ENERGY, INC. FOR ALLEGED CLEAN AIR ACT VIOLATIONS
[PDC Energy Inc. Complaint.pdf](#)

From: USDOJ-Office of Public Affairs (SMO) [mailto:USDOJ-Office.of.Public.Affairs@usdoj.gov]
Sent: Monday, June 26, 2017 1:17 PM
To: USDOJ-Office of Public Affairs (SMO) <USDOJ-Office.of.Public.Affairs@usdoj.gov>
Subject: JUSTICE DEPARTMENT AND STATE OF COLORADO FILE COMPLAINT AGAINST PDC ENERGY, INC. FOR ALLEGED CLEAN AIR ACT VIOLATIONS

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Department of Justice

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To: Elizabeth Harrington[elizabeth@freebeacon.com]
From: Wilcox, Jahan
Sent: Mon 6/26/2017 5:48:55 PM
Subject: FW: JUSTICE DEPARTMENT AND STATE OF COLORADO FILE COMPLAINT AGAINST PDC ENERGY, INC. FOR ALLEGED CLEAN AIR ACT VIOLATIONS
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202-514-2007.

To: Alex Guillen[aguillen@politico.com]; Annie Snider[asnider@politico.com]
From: Wilcox, Jahan
Sent: Mon 6/26/2017 5:51:52 PM
Subject: FW: JUSTICE DEPARTMENT AND STATE OF COLORADO FILE COMPLAINT AGAINST
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To: Wilcox, Jahan[wilcox.jahan@epa.gov]
From: valerie.volcovici@thomsonreuters.com
Sent: Mon 6/26/2017 5:45:33 PM
Subject: RE: JUSTICE DEPARTMENT AND STATE OF COLORADO FILE COMPLAINT AGAINST PDC ENERGY, INC. FOR ALLEGED CLEAN AIR ACT VIOLATIONS

Thanks Jahan

I've passed this along to my western colleagues to see if someone might be able to take a look.

Valerie

From: Wilcox, Jahan [mailto:wilcox.jahan@epa.gov]
Sent: Monday, June 26, 2017 1:44 PM
To: Volcovici, Valerie (Reuters News)
Subject: FW: JUSTICE DEPARTMENT AND STATE OF COLORADO FILE COMPLAINT AGAINST PDC ENERGY, INC. FOR ALLEGED CLEAN AIR ACT VIOLATIONS

From: USDOJ-Office of Public Affairs (SMO) [mailto:USDOJ-Office.of.Public.Affairs@usdoj.gov]
Sent: Monday, June 26, 2017 1:17 PM
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To: John Siciliano[jsiciliano@washingtonexaminer.com]
From: Wilcox, Jahan
Sent: Mon 6/26/2017 7:42:20 PM
Subject: RE: FW: JUSTICE DEPARTMENT AND STATE OF COLORADO FILE COMPLAINT AGAINST PDC ENERGY, INC. FOR ALLEGED CLEAN AIR ACT VIOLATIONS

Checking.

From: John Siciliano [<mailto:jsiciliano@washingtonexaminer.com>]
Sent: Monday, June 26, 2017 3:39 PM
To: Wilcox, Jahan <wilcox.jahan@epa.gov>
Subject: Re: FW: JUSTICE DEPARTMENT AND STATE OF COLORADO FILE COMPLAINT AGAINST PDC ENERGY, INC. FOR ALLEGED CLEAN AIR ACT VIOLATIONS

As administrator

On Mon, Jun 26, 2017 at 3:36 PM, Wilcox, Jahan <wilcox.jahan@epa.gov> wrote:

As EPA Administrator or just ever?

From: John Siciliano [<mailto:jsiciliano@washingtonexaminer.com>]
Sent: Monday, June 26, 2017 3:26 PM
To: Wilcox, Jahan <wilcox.jahan@epa.gov>
Subject: Re: FW: JUSTICE DEPARTMENT AND STATE OF COLORADO FILE COMPLAINT AGAINST PDC ENERGY, INC. FOR ALLEGED CLEAN AIR ACT VIOLATIONS

Is this the first time Pruitt has leveled such a complaint against an oil and gas company?

On Mon, Jun 26, 2017 at 1:43 PM, Wilcox, Jahan <wilcox.jahan@epa.gov> wrote:

From: USDOJ-Office of Public Affairs (SMO) [mailto:USDOJ-Office.of.Public.Affairs@usdoj.gov]
Sent: Monday, June 26, 2017 1:17 PM
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AFFAIRS AT 202-514-2007.

To: Puko, Tim[tim.puko@wsj.com]
Cc: Wilcox, Jahan[wilcox.jahan@epa.gov]
From: Bowman, Liz
Sent: Wed 10/25/2017 4:00:51 PM
Subject: FW: Posting of EO 13783 Report
[EO-13783-final-report-2017-oct_25.pdf](#)
[2017-10-25 DRAFT EPA EO 13783 release DF.docx](#)

Hi Tim – I want to pass along EPA’s final EO report on reg reform, and the press release we plan to release at 2 p.m. If you have questions let me know, but we thought you might want an early version. **Please just respect the embargo for 2 p.m.**

Thank you, Liz Bowman

U.S. Environmental Protection Agency

Final Report on Review of Agency Actions that Potentially Burden
the Safe, Efficient Development of Domestic Energy Resources
Under Executive Order 13783



October 25, 2017

Environmental Protection Agency
Final Report on Review of Agency Actions that Potentially Burden the Safe, Efficient
Development of Domestic Energy Resources Under Executive Order 13783

Executive Summary

On March 28, 2017, President Trump signed Executive Order 13783, Promoting Energy Independence and Economic Growth. The Executive Order establishes a national policy to promote the clean and safe development of domestic energy resources while avoiding unnecessary regulatory burdens. It directs federal agencies to “review all existing regulations, orders, guidance documents, policies, and any other similar agency actions (collectively, “agency actions”) that potentially burden the development or use of domestically produced energy resources[.]”¹ The Executive Order also orders the U.S. Environmental Protection Agency (EPA) to review specific rules. As part of E.O. 13783, agencies are to develop a report detailing this review that includes recommendations for reducing unnecessary regulatory burdens.

Through implementation of environmental statutes such as the Clean Air Act and Clean Water Act, EPA promulgates regulations that may affect domestic energy use and resources. Under Administrator E. Scott Pruitt’s leadership, EPA is working to fulfill its critical mission while ensuring regulations are consistent with underlying laws and policies. Implementation of E.O. 13783 and other presidential directives related to regulatory reform plays an important role in this effort.

In order to identify priority areas and specific regulations for potential repeal, replacement, or modification pursuant to E.O. 13783, EPA has coordinated its review with other Administration initiatives, such as the Presidential Memorandum on Streamlining Permitting and Reducing Regulatory Burdens for Domestic Manufacturing,² and E.O. 13777 on Enforcing the Regulatory Reform Agenda.³ Notably, Administrator Pruitt established a Regulatory Reform Task Force (RRTF) pursuant to E.O. 13777, which has also served to lead implementation of the Section 2 review required under E.O. 13783.⁴

EPA issued a request for public comments to inform the RRTF on April 11, 2017.⁵ As a result of this outreach, EPA received over 460,000 public comments, including a record-breaking number of 63,346 individual responses. Additionally, EPA program offices conducted nearly a dozen public

¹ 82 Fed. Reg. 16093 (Mar. 28, 2017).

² 82 Fed. Reg. 8667 (Jan. 30, 2017).

³ 82 Fed. Reg. 12285 (Mar. 1, 2017).

⁴ Memorandum from E. Scott Pruitt, Adm’r, U.S. Env’tl Protection Agency, to Acting Deputy Adm’r, U.S. Env’tl Protection Agency (Apr. 19, 2017) available at <https://epa.gov/laws-regulations/epa-implementation-executive-order-13783-promoting-energy-independence-and-economic>

⁵ EPA-HQ-OA-2017-0190 available at <https://www.regulations.gov/document?D=EPA-HQ-OA-2017-0190-0001>.

meetings in April and May to hear directly from stakeholders on EPA regulations and opportunities for reform.⁶

Many of the public comments centered on specific rulemakings and/or specific provisions of rulemakings that may unduly burden domestic energy production and use. Through this robust public feedback, the RRTF identified recurrent themes regarding EPA's energy-related regulations. These general themes included a need for streamlining complex permitting programs, restoring EPA's co-regulatory relationship with the states, increasing transparency pertaining to the economic impact of agency actions, and enhancing EPA's understanding of the entities it regulates.

In an effort to meet the requirements of E.O. 13783, EPA identified four key initiatives that it believes will further the goal of reducing unnecessary burdens on the development and use of domestic energy resources. These initiatives include: (1) comprehensive New Source Review reform, (2) National Ambient Air Quality Standards (NAAQS) reform, (3) robust evaluations of the employment effects of EPA regulations, and (4) a sector-based outreach program. Furthermore, the appendix of this report includes summaries of actions that EPA has already taken on rules identified for review, either specifically or generally, in E.O. 13783. Together, these efforts will help advance the Administrator's vision for EPA while fulfilling the President's goal of promoting domestic energy production and use.

I. New Source Review Reform

The Clean Air Act (CAA) establishes a number of permitting programs designed to reduce air pollution, primarily through the use of pollution control technology. New Source Review (NSR) is a preconstruction permitting program intended to ensure that new and modified stationary sources of air pollution do not significantly degrade air quality. NSR permits are legal documents that establish site-specific requirements that facility owners/operators must observe. The permit specifies what construction is allowed, what emission limits must be met, and often how the emissions source may be operated. There are three types of NSR permits: (1) Prevention of Significant Deterioration (PSD) permits (CAA Title I, Part C), which are required for new major sources or a major source making a major modification in an area that is in attainment with NAAQS air-quality standards; (2) Nonattainment NSR (NNSR) permits (CAA Title I, Part D), which are required for new major sources or major sources making a major modification in a nonattainment area; and (3) Minor source permits (CAA § 110(a)(2)(C)).

The potential costs, complexity, and delays that may arise from the NSR permitting process can slow the construction of domestic energy exploration, production, or transmission facilities that must undergo review. In some circumstances, the NSR process discourages the construction of new

⁶ See <https://www.epa.gov/laws-regulations/regulatory-reform#Public>.

facilities or modifications of existing ones that could result in greater environmental improvements. Such reactions to the NSR process slows the growth of domestic energy resources and raise energy costs, among other impacts.

Numerous public comments in response to the request for comments on E.O. 13777, and the Presidential Memorandum on Streamlining Permitting, raised concerns with the NSR program's impact on domestic energy resources. Commenters noted that the NSR permitting process is unduly lengthy and complex. Commenters further stated that the NSR application and construction costs are exceedingly high, to the point of discouraging industry from modernizing facilities for fear of triggering NSR obligations.

Several commenters suggested that EPA should defer to state decisions on the applicability of NSR requirements and other source-specific permitting decisions. Commenters also raised concerns about the availability and cost of emissions offsets in nonattainment areas, and about whether costs will increase as various NAAQS are revised.

Commenters recommended reforms to allow the purchase of offsets from outside a nonattainment area, and inter-pollutant trading. Commenters also urged EPA to better promote and facilitate use of Plant-wide Applicability Limitations, which generally can allow domestic energy production facilities to modify equipment and operations without concerns of triggering NSR requirements. Finally, recommendations included reviewing the debottlenecking rule and re-proposing it to address NSR requirements for modifying sources.

The above comments represent just some of the issues raised in public comments related to NSR. Accordingly, EPA believes opportunities exist to simplify the NSR application and permit process; to review ways to reduce the length of the permitting process; to review burdens created by the current emissions offsets structure; to improve relationships with the states; and to review the "once in, always in" policy to clarify the means by which a facility currently classified as a major source can become an area source.

To address these important areas and achieve meaningful NSR reform, Administrator Pruitt intends to convene an NSR Reform Task Force, details of which will be announced in a forthcoming agency memorandum.

II. National Ambient Air Quality Standards (NAAQS) Reform

Pursuant to the CAA, EPA sets NAAQS for six criteria pollutants: ozone, nitrogen dioxide (NO₂), sulfur dioxide (SO₂), particulate matter (PM₁₀ and PM_{2.5}), carbon monoxide (CO), and lead. In setting the NAAQS, EPA establishes primary standards to protect public health and secondary

standards to protect public welfare. EPA must review and, if appropriate, revise each NAAQS every five years.

After EPA sets a new NAAQS or revises an existing standard for each criteria air pollutant, the CAA requires EPA to determine if areas meet the new standard. Based on monitoring data or modeling, states and tribes submit recommendations to EPA on whether an area meets NAAQS for a criteria pollutant. After reviewing the recommendations and the available information, EPA “designates” an area as attainment or nonattainment (or unclassifiable) for the standard. States develop State Implementation Plans (SIPs) demonstrating that the state has the basic required elements of an air quality program (so-called “infrastructure SIPs” or “i-SIPs”) and identifying emissions control requirements the state will rely upon to attain and/or maintain the primary and secondary NAAQS (“attainment” and “maintenance” SIPs).

NAAQS requirements, and revision of the NAAQS standards, have the potential to impact all facilities that emit a NAAQS pollutant or its precursor substances, including those facilities that generate energy from, oil, and natural gas. These facilities can be impacted whether they are in attainment areas or nonattainment areas. As a result, facilities face burdens including higher costs, greater uncertainties in making future plans, and a potential facility closure that not only impacts employment, but also affects communities that rely on the facility.

In response to EPA’s request for comments on E.O. 13777, commenters raised concerns with the stringency of some NAAQS, as well as the short review time between revisions. Each new or revised NAAQS requires a host of rules, guidance, and technical support documents for use by state, local, and tribal regulators, as well as industry. The increased frequency of NAAQS revisions results in overlapping requirements that must be implemented in short time spans. Planned and permitted facilities are subject to significant uncertainty, making it difficult to anticipate future air quality improvement requirements and restricting economic growth. Frequent NAAQS revisions may further require that states modify their SIPs before previous standards can be fully implemented, and can also result in permitting delays for new facilities as new air quality assessments are conducted.

Other comments focused on NAAQS implementation issues. Commenters requested that EPA develop implementation guidance that corresponds with NAAQS rulemaking in a timely manner. They recommended that implementation guidance and the various other regulatory and analytic tools be available and final at the time the new or revised NAAQS are promulgated, and not years later, as has repeatedly occurred in recent years. Moreover, uncertainty and delays in guidance and implementation requirements may needlessly obstruct energy expansion and modernization of existing facilities.

Concerns were further expressed regarding the unnecessary burden arising from the development and revision of SIPs, and the chronic backlog of federal SIP approvals. At the end of fiscal year 2016,

EPA had a backlog of 322 SIPs.⁷ Commenters noted that many state SIP submittals remain without EPA action for years, and that the process for developing, submitting and approving SIPs is inefficient and outdated. Commenters also noted that EPA will second-guess state permitting decisions, affecting state control of the process and introducing delays and financial risks for companies seeking permits. Comments further recommended EPA defer to state authorities for source-specific decisions and, therefore, readjust its focus to overarching guidance and policy.

Commenters additionally questioned specific NAAQS – particularly the 2015 ozone standard – which approach background concentrations in some regions. Other commenters articulated concerns regarding monitoring and modeling issues, international and long-range ozone transport, stratospheric ozone intrusions, and exceptional events.

EPA received recommendations to revise the exceptional events rule and associated guidance to allow for greater state flexibility in flagging and excluding exceptional events in the data set used to determine compliance with NAAQS. Exceptional events are unusual or naturally occurring actions that can affect air quality, but are not reasonably controllable using techniques that may be implemented to attain and maintain NAAQS. Exceptional events include wildfires, stratospheric ozone intrusions, and volcanic and seismic activities.

To review the issues related to the ozone NAAQS, the Administrator formed the Ozone Cooperative Compliance Task Force. Among its priorities, the Task Force is reviewing administrative options to enable states to enter into cooperative agreements with EPA to provide regulatory relief and meaningfully improve ozone air quality. Moreover, EPA plans to work to streamline SIP approvals through a nationally consistent process that includes setting performance targets, and better monitoring progress on SIP reviews. EPA further plans to work to eliminate the SIP backlog.

III. Employment Evaluations

Regulatory costs impose tremendous burdens on American businesses, employees, and consumers – particularly within the energy sector. In its *2015 Report to Congress on the Benefits and Costs of Federal Regulations and Agency Compliance with the Unfunded Mandates Reform Act*, the Office of Management and Budget estimated that the total annual cost of EPA regulations from October 1, 2004 through September 30, 2014 stood between \$37.6 and \$45.4 billion (2010\$).⁸ These costs may impact business development and expansion, as well as capital investment and employment patterns.

⁷ *Fiscal Year 2018 Justification of Appropriation Estimates for the Committee on Appropriations*, U.S. ENVTL. PROTECTION AGENCY, EPA-190-K-17-002 (May 2017) available at <https://www.epa.gov/sites/production/files/2017-06/documents/fy18-cj-14-program-performance.pdf>

⁸ OFFICE OF MGMT. & BUDGET, EXEC. OFFICE OF THE PRESIDENT, *2015 Report to Congress on the Benefits and Costs of Federal Regulations and Agency Compliance with the Unfunded Mandates Reform Act* (2015), available at https://obamawhitehouse.archives.gov/sites/default/files/omb/inforeg/2015_cb/2015-cost-benefit-report.pdf.

In the CAA,⁹ the Clean Water Act,¹⁰ the Toxic Substance and Control Act,¹¹ Solid Waste Disposal Act,¹² and the Comprehensive Environmental Response, Compensation, and Liability Act,¹³ Congress expressed its intent that EPA conduct continuing evaluations of potential losses or shifts of employment that may result from implementation of these statutes.¹⁴ However, the Agency historically has not conducted these assessments. EPA acknowledges the importance of considering the cumulative effects of its regulations on the American public. Accordingly, EPA intends to conduct these evaluations consistent with the statutes.

IV. Smart Sectors

To accomplish the goals of E.O. 13783, EPA acknowledges that it must work to develop better relationships with the regulated community to close information gaps through informal means. Engaging these stakeholders in a collaborative manner to understand technological advancements or to coordinate on regulatory developments could reduce conflicts that complicate the rulemaking process.

Accordingly, EPA recently announced its *Smart Sectors* program to re-examine how it engages with industry to reduce unnecessary regulatory burdens, improve regulatory forecasting and predictability, and improve the ability of both EPA and industry to conduct long-term regulatory planning while also improving the environment and public health.¹⁵ EPA initially identified thirteen sectors to work with, including ones directly related to oil and gas, utilities, mining, power generation, and the automotive industry.

The *Smart Sectors* program designates staff-level points of contact who are highly knowledgeable about specific industries. These individuals will act as liaisons among industry trade associations and companies, EPA program and regional offices, state and local governments, and other stakeholder groups. The sector liaisons will focus their attention on three main areas: building relationships and improving customer service to sectors; developing additional expertise in each industry's operations and environmental performance; and informing the planning of future policy, regulations, and Agency processes.

EPA anticipates that participating industries will benefit from coordinated, cooperative, and constructive problem-solving with government. The Agency will invite participating industries to

⁹ 42 U.S.C. §7621.

¹⁰ 33 U.S.C. §1367.

¹¹ 15 U.S.C. §2622.

¹² 42 U.S.C. §7001(e).

¹³ 42 U.S.C. §9610.

¹⁴ 42 U.S.C. §7621(a); 33 USC §1367(e); 42 U.S.C. §700142 U.S.C. §9610(e).

¹⁵ See <https://www.epa.gov/smartsectors>.

engage in active dialogue and offer their own innovative ideas to reduce environmental impacts. Beginning in January 2018, EPA plans to release monthly updates on its *Smart Sectors* website with data and other information.

Conclusion

Multiple ways exist for EPA to protect the environment and public health while supporting the President's policy to promote economic growth and energy independence. The four key initiatives identified herein will advance the goal of reducing unnecessary regulatory burdens on the development and use of domestic energy resources in accordance with E.O. 13783. These initiatives also illustrate meaningful progress towards fulfilling Administrator Pruitt's efforts to satisfy EPA's core mission through increased transparency, public participation, and cooperative federalism.

APPENDIX

This appendix includes summaries of the actions that EPA has taken on (1) rules that were identified specifically for review in E.O. 13783; and (2) other energy-related rules identified for review by EPA pursuant to E.O. 13783.

I. Rules Identified Specifically in E.O. 13783

A. Clean Power Plan and Related Rules

E.O. 13783 Section 4 addresses the Clean Power Plan and related rules that affect the electric utility sector, particularly utilities' fossil fuel-fired power plants – i.e., primarily coal and natural gas. EPA initiated a review of the two identified final rules and withdrew a proposed rule.

1. Carbon Emission Guidelines for Existing Stationary Sources (Clean Power Plan)

On October 23, 2015, EPA issued a final rule, “Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units” (Clean Power Plan or CPP).¹⁶ This rule established the first-ever standards for states to follow in developing plans to reduce greenhouse gas (GHG) emissions from existing fossil fuel-fired electric generating units (EGUs). Affected domestic energy resources include oil, natural gas, and coal.

On February 9, 2016, the U.S. Supreme Court issued an unprecedented stay of the CPP implementation pending judicial review.¹⁷ Following a full briefing on the merits, oral argument was held before the D.C. Circuit, sitting *en banc*, on September 27, 2016. The case is currently pending in the D.C. Circuit.

Pursuant to E.O. 13783, on March 28, 2017, Administrator Pruitt signed a notice to review this final rule.¹⁸ On March 28, 2017, the Department of Justice requested that the D.C. Circuit hold in abeyance the litigation regarding the CPP. On April 28, 2017, the D.C. Circuit ordered the litigation regarding the CPP be held in abeyance for 60 days.¹⁹ On May 15, 2017, the Department of Justice submitted a supplemental brief to the Court urging the Court to continue to hold the cases in abeyance while EPA conducts its review of the CPP.²⁰ On June 6, 2017, EPA submitted a CPP proposal to OMB.²¹ On August 8, 2017, the D.C. Circuit ordered litigation be held in abeyance for an additional

¹⁶ 80 Fed. Reg. 64661 (Oct. 23, 2015).

¹⁷ *West Virginia v. EPA*, U.S., No. 15A773 (Feb. 9, 2016).

¹⁸ 82 Fed. Reg. 16329 (Apr. 4, 2017).

¹⁹ *West Virginia v. EPA*, D.C. Cir. *en banc*, No. 1673071 (Apr. 28, 2017).

²⁰ *West Virginia v. EPA*, D.C. Cir. *en banc*, No. 1675243 (May 15, 2017).

²¹ <https://www.reginfo.gov/>

60 days.²² On October 10, 2017, Administrator Pruitt signed a Notice of Proposed Rulemaking proposing to repeal the CPP.²³ The public comment period closes on December 15, 2017. On October 10, 2017, EPA also submitted an advanced notice of proposed rulemaking, State Guidelines for Greenhouse Gas Emissions from Existing Electric Utility Generating Units, to OMB.²⁴

2. Standards of Performance for Greenhouse Gas Emissions for New Stationary Sources

On October 23, 2015, EPA issued a final rule, “Standards of Performance for Greenhouse Gas Emissions from New, Modified, and Reconstructed Stationary Sources: Electric Utility Generating Units.”²⁵ This rule established standards for emissions of carbon dioxide (CO₂) for newly constructed, modified, and reconstructed affected fossil fuel-fired EGUs. Affected domestic energy resources include oil, natural gas, and coal.

Pursuant to E.O. 13783, on March 28, 2017, Administrator Pruitt signed a notice to review the final rule.²⁶ On March 28, 2017, the Department of Justice requested that the D.C. Circuit hold in abeyance the litigation regarding the rule, including the scheduled April 17, 2017, oral arguments.²⁷ On March 30, 2017, the D.C. Circuit granted the request to hold the litigation in abeyance.²⁸

3. Federal Plan/Model Trading/Framework Rule

On October 23, 2015, in connection with the CPP, EPA published a proposed rule, “Federal Plan Requirements for Greenhouse Gas Emissions From Electric Utility Generating Units Constructed on or Before January 8, 2014; Model Trading Rules; Amendments to Framework Regulations; Proposed Rule.”²⁹ This rule proposed (1) a Federal plan to implement the CPP emission guidelines, (2) model trading rules to aid implementation of the guidelines, and (3) amendments to the existing framework regulations implementing CAA §111(d). Affected domestic energy resources include oil, natural gas, and coal.

Pursuant to E.O. 13783, on March 28, 2017, Administrator Pruitt signed a notice withdrawing these proposed rules.³⁰ The notice also included the withdrawal of the proposed design details of the Clean Energy Incentive Program (CEIP) under the CPP.³¹

²² *West Virginia v. EPA*, D.C. Cir. *en banc*, No. 1687838 (Aug. 8, 2017).

²³ 80 Fed. Reg. 48035 (Oct. 16, 2017).

²⁴ <https://www.reginfo.gov/>

²⁵ 80 Fed. Reg. 64509 (Oct. 23, 2015).

²⁶ 82 Fed. Reg. 16330 (Apr. 4, 2017).

²⁷ *North Dakota v. EPA*, D.C. Cir., No. 1668276 (Mar. 28, 2017).

²⁸ *North Dakota v. EPA*, D.C. Cir., No. 1668612 (Mar. 30, 2017).

²⁹ 80 Fed. Reg. 64966 (Oct. 23, 2015).

³⁰ 82 Fed. Reg. 16141 (April 3, 2017).

³¹ 81 Fed. Reg. 42940 (June 30, 2016).

B. Methane Emissions Standards for Oil and Natural Gas Sector

On June 3, 2016, EPA issued a final rule, “Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources.”³² This rule included amendments to the existing standards for the oil and natural gas source category (subpart OOOO) and set first-time standards for both GHGs (specifically methane) and volatile organic compounds (VOC) (subpart OOOOa).

Pursuant to E.O. 13783, on March 28, 2017, Administrator Pruitt signed a notice to review the final rule.³³ On April 7, 2017, the Department of Justice requested that the D.C. Circuit hold in abeyance the litigation regarding the oil and gas methane rule, including the scheduled oral arguments.³⁴ On May 18, 2017, the D.C. Circuit granted the request to hold the litigation in abeyance until EPA has completed its review and reconsideration of the 2016 rule.³⁵

On April 18, 2017, Administrator Pruitt signed a letter that announced EPA’s intent to convene a proceeding for reconsideration of the following objections relative to the fugitive emissions requirements: (1) the applicability of the fugitive emissions requirements to low production well sites, and (2) the process and criteria for requesting and receiving approval for the use of an alternative means of emission limitations (AMEL) for purposes of compliance with the fugitive emissions requirements in the 2016 rule.³⁶ On May 26, 2017, Administrator Pruitt signed a notice of reconsideration related to (1) the requirements for certification of closed vent system by a professional engineer, and (2) the well site pneumatic pump standards, and a partial stay of the rule requirements pending reconsideration.³⁷

On June 12, 2017, Administrator Pruitt signed a proposed rulemaking for a three-month stay³⁸ and a separate notice proposing a two-year stay.³⁹ EPA currently has supplemental notices to these proposals under OMB interagency review.^{40, 41}

II. Other Energy-Related Rules Identified by EPA

³² 81 Fed. Reg. 35824 (June 3, 2016).

³³ 82 Fed. Reg. 16331 (Apr. 4, 2017).

³⁴ *API v. EPA*, No. 13-1108 (and consolidated cases), D.C. Cir., No. 1670157 (Apr. 7, 2017).

³⁵ *API v. EPA*, No. 13-1108 (and consolidated cases), D.C. Cir., No. 1675813 (May 18, 2017).

³⁶ EPA Administrator E. Scott Pruitt, letter to API et al. (Apr. 18, 2017).

³⁷ 82 Fed. Reg. 25734 (June 5, 2017). Note that the D.C. Circuit vacated the 90 day stay on July 3, 2017. The court also emphasized that nothing in its opinion limits EPA’s authority to reconsider the oil and gas standards and to proceed with its June 16, 2017 proposed two-year stays of certain requirements in the rule.

³⁸ 82 Fed. Reg. 27641 (June 16, 2017).

³⁹ 82 Fed. Reg. 27645 (June 16, 2017).

⁴⁰ <https://www.reginfo.gov/>

⁴¹ <https://www.reginfo.gov/>

As noted previously, the Administration has initiated several regulatory reform efforts, allowing EPA to leverage the ideas and information collected from those efforts to support and focus its activities to alleviate unnecessary burdens on the domestic energy sector. Public input has been received in response to both the Department of Commerce's request for information (RFI) regarding the Presidential Memorandum Streamlining Permitting and Reducing Regulatory Burdens for Domestic Manufacturing,⁴² and EPA's request for comment pursuant to E.O. 13777 in order to identify regulations that may be appropriate for repeal, replacement, or modification. EPA has screened each docket for comments with substantive, specific suggestions to remove regulatory burdens on the development or use of domestic energy resources. As part of this effort, the RRTF has identified the following additional energy-related actions EPA has taken:

A. Oil and Gas Information Collection Request

On November 10, 2016, EPA sent an information collection request (ICR) to more than 15,000 owners and operators in the oil and gas industry, requiring them to provide information on equipment inventories and methane emissions. This ICR conducted pursuant to CAA §114 was to assist the Agency in developing emissions standards for existing oil and gas facilities pursuant to CAA §111(d).⁴³

On March 2, 2017, Administrator Pruitt withdrew the ICR.⁴⁴ The withdrawal will allow EPA to assess the need for the information that the Agency was collecting through these requests, and reduce burdens on businesses while the Agency assesses such need. EPA estimated the burden of the information collection to be 284,751 hours, costing \$42,453,050. Due to some facilities submitting responses to the ICR prior to the withdrawal, EPA estimated that the withdrawal saved approximately \$37 million in reporting burden. Affected domestic energy resources include oil and natural gas.

B. Mid-Term Evaluation for Light-Duty Vehicle Greenhouse Gas Emissions Standards

In 2012, EPA and the Department of Transportation's National Highway Traffic Safety Administration (NHTSA) set GHG emissions and Corporate Average Fuel Economy (CAFE) standards for model year (MY) 2017 and beyond for light-duty vehicles.⁴⁵ The 2012 joint rulemaking included a regulatory requirement for EPA to conduct a Mid-Term Evaluation (MTE) of the GHG standards established for MY 2022-2025 to assess whether the standards were appropriate no later

⁴² The RFI resulted in 170 comments. Most EPA-relevant comments focused on air permitting programs (e.g. NSR, Title V, SSM, etc.).

⁴³ EPA ICR No. 2548.01.

⁴⁴ 82 Fed. Reg. 12817 (Mar. 7, 2017).

⁴⁵ 77 Fed. Reg. 62624 (Oct. 15, 2012).

than April 1, 2018. On January 12, 2017, EPA issued, “Final Determination on the Appropriateness of the Model Year 2022-2025 Light-duty Vehicle Greenhouse Gas Emissions Standards under the Midterm Evaluation.”⁴⁶ This action determined that the GHG emission standards for MY 2022-2025 light-duty vehicles were appropriate.

On March 15, 2017, Administrator Pruitt and Department of Transportation Secretary Elaine Chao announced that they intended to reconsider the final determination in order to allow for additional consultation and coordination, to ensure that the record is based on the best available data, and consistent with the schedule prescribed by the 2012 regulation. A formal notice of reconsideration was published in the Federal Register on March 22, 2017.⁴⁷ On August 21, 2017, EPA and DOT issued a request for public comment on its reconsideration of the Final Determination and invited stakeholders to provide any relevant comments, data, and information to inform the reconsideration.⁴⁸

In accordance with the schedule set forth in EPA’s regulations, the Agency intends to make a new Final Determination regarding the appropriateness of the MY 2022-2025 Light-duty Vehicle GHG Emissions Standards no later than April 1, 2018.

C. Steam Electric Effluent Limitations Guidelines

On November 3, 2015, EPA issued a final rule “Effluent Limitations Guidelines and Standards for the Steam Electric Power Generating Point Source Category.”⁴⁹ This rule contained limitations and standards on various wastestreams at steam electric power plants: fly ash transport water, bottom ash transport water, flue gas mercury control wastewater, flue gas desulfurization (FGD) wastewater, gasification wastewater, and combustion residual leachate. This action affects domestic coal resources.

EPA received seven petitions for review of the 2015 Steam Electric ELG rule. On December 8, 2015, the United States Judicial Panel on Multi-District Litigation issued an order consolidating all of the petitions in the U.S. Court of Appeals for the Fifth Circuit.⁵⁰

On April 11, 2017, the Administrator sent a letter to each state governor notifying them of the Agency’s intent to consider postponing compliance dates as well as petitions for reconsideration of the final rule.⁵¹ On April 12, 2017, the Administrator announced EPA’s decision to reconsider the

⁴⁶ 81 Fed. Reg. 87927 (Jan. 12, 2017).

⁴⁷ 82 Fed. Reg. 14671 (Mar. 22, 2017).

⁴⁸ 82 Fed. Reg. 39551 (Aug. 21, 2017).

⁴⁹ 80 Fed. Reg. 67838 (Nov. 3, 2015).

⁵⁰ *Southwestern Electric Power Co., et al. v. EPA*, 5th Cir. (Dec. 8, 2015).

⁵¹ EPA Administrator E. Scott Pruitt, letter to Virginia Governor Terry McAuliffe (Apr. 11, 2017).

final rule and, using authority under the Administrative Procedure Act §705, to postpone compliance dates that have not yet passed pending judicial review.⁵² On September 18, 2017, EPA issued a final rule postponing compliance deadlines relating to FGD wastewater and bottom ash transport water from November 1, 2018, to November 1, 2020, while the Agency reconsiders those wastestreams in the 2015 rule.⁵³

D. Coal Combustion Residuals

On April 17, 2015, EPA issued a final rule, “Hazardous and Solid Waste Management System; Disposal of Coal Combustion Residuals From Electric Utilities; Final Rule.”⁵⁴ This rule establishes minimum national criteria under subtitle D of the Resource Conservation and Recovery Act (RCRA) for Coal Combustion Residuals (CCR) landfills and surface impoundments at active coal-fired power plants. This action affects domestic coal resources.

Subsequent to the promulgation of the 2015 CCR rule, various environmental and industry groups submitted to the D.C. Circuit seven separate petitions for review, which have been consolidated into a single action. On June 14, 2016, the D.C. Circuit remanded with vacatur to EPA specific provisions of the rule for further consideration.⁵⁵ EPA is planning to issue a proposal to address those rule provisions by the end of 2017.⁵⁶

On December 16, 2016, the President signed the Water Infrastructure Improvements for the Nation (WIIN) Act,⁵⁷ which included language giving state agencies the authority to implement and enforce coal ash regulations under the 2015 CCR Final rule through EPA-approved state permit programs. The WIIN Act also gives EPA the authority to regulate coal ash in states that choose not to implement state permitting programs and in states whose permitting programs are determined to be inadequate by EPA. EPA has direct implementing authority in Indian country.

On April 28, 2017, Administrator E. Scott Pruitt sent letters informing states that EPA was working on guidance for implementing state permitting programs under WIIN that allow flexibility in individual permits to manage the safe disposal of CCR. On August 15, 2017, EPA issued Interim Final Guidance for State CCR Permit Programs.⁵⁸ On September 14, 2017, EPA announced its intent

⁵² 82 Fed. Reg. 19005 (Apr. 25, 2017).

⁵³ 82 Fed. Reg. 43494 (Sept. 18, 2017).

⁵⁴ 80 Fed. Reg. 21302 (Apr. 17, 2015).

⁵⁵ *Utility Solid Waste Activities Group v. EPA*, D.C. Cir. (June 14, 2016).

⁵⁶ <https://www.reginfo.gov/public/do/eAgendaViewRule?pubId=201704&RIN=2050AG88>.

⁵⁷ P.L. 114-322.

⁵⁸ 82 Fed. Reg. 38685 (Aug. 15, 2017).

to reconsider several substantive provisions of the rule, as part of its rulemaking pursuant to the D.C. Circuit remand.⁵⁹

E. Waters of the United States

On June 29, 2015, EPA issued a final rule, “Clean Water Rule: Definition of ‘Waters of the United States’” (WOTUS).⁶⁰ The WOTUS rule is a definitional rule that affects the scope of the “waters of the United States;” it does not establish any regulatory requirements or directly mandate actions on its own. However, by changing the definition of the “waters of the United States,” the rule changes the waters where other regulatory requirements that affect regulated entities come into play (i.e., the locations where regulated entities would be required to obtain certain types of permits). As a result, this action would have had wide-ranging effects on domestic energy production and use, including the permitting of oil, gas, coal, and renewable development sites, and the transmission and distribution of electricity.

Due to concerns about the potential for regulatory uncertainty, as well as the scope and legal authority of the 2015 WOTUS rule, 31 states and a number of other parties sought judicial review in multiple actions. On October 9, 2015, the U.S. Court of Appeals for the Sixth Circuit stayed the 2015 WOTUS rule nationwide pending further action of the court.⁶¹

On February 28, 2017, President Trump signed E.O. 13778 – Restoring the Rule of Law, Federalism, and Economic Growth by Reviewing the “Waters of the United States” Rule, which directed EPA and the U.S. Army Corp of Engineers to review the 2015 WOTUS rule.⁶²

On June 27, 2017, EPA and the Army Corps signed a proposed rulemaking to repeal the 2015 WOTUS rule.⁶³ As indicated in the proposed withdrawal, the agencies are implementing E.O. 13778 in two steps to provide as much certainty as possible as quickly as possible to the regulated community and the public during the development of the ultimate replacement rule. In Step 1, the agencies are taking action to establish the legal status quo in the Code of Federal Regulations, by recodifying the regulation that was in place prior to issuance of the 2015 rule. In Step 2, the agencies plan to propose a new definition that would replace the approach in the 2015 rule.

EPA has initiated programmatic staff workgroups to recodify the regulation that was in place prior to the 2015 WOTUS rule and consider a new definition that would replace the approach in the

⁵⁹ EPA Press Release, “EPA to Reconsider Certain Coal Ash Rule Provisions” (Sept. 14, 2017).

⁶⁰ 80 Fed. Reg. 37054 (June 29, 2015).

⁶¹ *Ohio v. U.S. Army Corps of Eng’rs.*, 6th Cir. (Oct. 9, 2015).

⁶² 82 Fed. Reg. 12497 (Mar. 3, 2017).

⁶³ 82 Fed. Reg. 34899 (July 27, 2017) (NPRM).

WOTUS rule with one that reflects the principles that Justice Scalia outlines in the *Rapanos* plurality opinion.

To: Davenport, Coral[coral.davenport@nytimes.com]
From: Wilcox, Jahan
Sent: Thur 6/15/2017 2:33:16 PM
Subject: Hey Coral
Budget Testimony.pdf

This is embargoed until 11:00 AM ET. Attached is Pruitt's testimony that he will give this morning.

Jahan Wilcox
EPA
Strategic Communications Advisor
Work Cell Ex. 6 - Personal Privacy
Work Email: wilcox.jahan@epa.gov

**TESTIMONY OF
SCOTT PRUITT**

**ADMINISTRATOR
U.S. ENVIRONMENTAL PROTECTION AGENCY**

BEFORE THE

**SUBCOMMITTEE ON INTERIOR, ENVIRONMENT, AND RELATED AGENCIES
U.S. HOUSE COMMITTEE ON APPROPRIATIONS**

June 15, 2017

Good morning, Chairman Calvert, Ranking Member McCollum, and members of the Subcommittee. I am joined by Holly Greaves, my senior advisor for budget and audit, and we are here today to discuss the Environmental Protection Agency's (EPA) proposed FY 2018 budget.

As the Administrator of the Environmental Protection Agency, I am a firm believer in EPA's mission to protect human health and the environment and am committed to helping provide future generations with a better and healthier environment. I also firmly believe that federal agencies exist to administer the law. Congress passes statutes, and those statutes outline the responsibilities and work that EPA must do. Any action by EPA that exceeds the authority granted to it by Congress, by definition, cannot be consistent with the Agency's mission.

At the outset, it is important to recognize the tremendous progress that has been made over the years toward a cleaner environment across the country. The proposed budget supports EPA's highest priorities with federal funding for core work in air and water quality, contaminated land clean-ups, enforcement and ensuring the safety of chemicals in the marketplace so we can continue this progress. The president's budget aims to reduce redundancies and inefficiencies, and prioritize EPA's core statutory mission of providing Americans with clean air, land, and water.

EPA can accomplish a lot when the Agency focuses on working cooperatively with the states and tribes to improve health and the environment. It is essential for the federal government, state governments, and tribal governments to work together to provide the environmental protection that our laws demand and that the American people deserve. I strongly support cooperative federalism, and make every effort to partner with EPA's counterparts in state, local, and tribal governments to further these goals.

I recognize that states have unique environmental needs, and I will continue to engage in meaningful discussions about how shared environmental goals related to the regions can best be achieved. We will work collaboratively with states, tribes and local governments to provide flexibility to address important priorities. And, I look forward to working with you all, and other Members of Congress, to ensure we meet the environmental needs of your communities.

In my testimony today, I will focus on five main areas where EPA is protecting human health and the environment: air, water, land, chemicals and enforcement. I will also outline how EPA is reducing inefficiencies and redundancies, to better serve the American people and maximize every taxpayer dollar we are allocated.

Improving America's Air Quality

By funding air quality work at \$448 million, EPA will continue to perform key activities in support of protecting human health and the environment through improving the quality of the nation's air with a focus on states achieving greater levels of attainment.

States have made tremendous progress and significant investment in cleaning up the air. Since 1980, total emissions of the six criteria air pollutants regulated under the National Ambient Air Quality Standards program have dropped by 63 percent and ozone levels have declined 33 percent. We are focused on finding ways to get more accurate measurements of the areas of the country that need help improving their air quality – and then working with states on meeting the standards set by the Agency.

Areas designated as being in “nonattainment” of the standard face consequences, including: increased regulatory burdens, restrictions on infrastructure investment, and increased costs to businesses.

EPA is working with states to give them additional time on their initial designations of nonattainment areas for the 2015 ozone standard to better understand some lingering technical questions and information needs. The agency also is looking at ways to provide greater flexibility in the development of their air quality improvement plans. And, I am establishing an Ozone Cooperative Compliance Task Force to develop additional flexibilities for states to comply with the ozone standard.

My staff and I inherited an unacceptable backlog of air quality implementation plans from the previous administration. The backlog of these State Implementation Plans (SIPs) creates vast uncertainty for states and compromises air quality benefits that otherwise could be attained. I am committed to reducing the SIP backlog and have directed my staff to work with the states to reduce this backlog as quickly as possible.

The proposed budget also provides funding for the Greenhouse Gas Reporting Program which requires mandatory greenhouse gas emissions reporting to inform the annual GHG inventory, a U.S. treaty obligation. Additionally, in FY 2018, the Federal Vehicle and Fuels Standards and Certification program will focus its efforts on certification decisions. The agency will conduct activities supporting pre-certification confirmatory testing for emissions and fuel economy for passenger cars.

When it comes to people living and working in areas that meet air quality standards, we are committed to working with states to do better than what was happening under the previous administration.

Restoring the Role of States in the Regulation of Water

The president has made it clear that maintaining infrastructure is critical to the foundation of this country's commerce. At EPA, this means in large part ensuring we continue to make investments in drinking water and wastewater infrastructure.

The FY 2018 budget includes \$2.3 billion to capitalize the State Revolving Funds to assist our implementing partners in revitalizing and rebuilding our nation's aging water resources. The FY 2018 budget also includes \$20 million for the Water Infrastructure Finance and Innovation Act (WIFIA) program to address aging water infrastructure. The \$20 million provided for WIFIA could provide up to \$1 billion in credit assistance, which, when combined with other funding resources, could spur an estimated \$2 billion in total infrastructure investment.

Established by the Water Infrastructure Finance and Innovation Act of 2014, EPA's WIFIA program is a federal loan and guarantee program that aims to accelerate investment in our nation's drinking water and wastewater infrastructure by providing long-term, low-cost supplemental credit assistance for eligible projects, including those of regional or national significance. WIFIA supports projects to repair, rehabilitate, and replace aging water treatment plants and pipe systems, and construct new infrastructure including desalination, water recycling, and drought mitigation projects.

Organizations from across the country are seeking to partner with EPA to invest in their local communities and improve water infrastructure with WIFIA, with 'letters of interest' from prospective buyers across 19 states, including: Arkansas, Arizona, California, Colorado, Florida, Georgia, Illinois, Indiana, Kansas, Maine, Maryland, Massachusetts, Mississippi, Missouri, Nebraska, Pennsylvania, Tennessee, Washington, and Wisconsin.

EPA will continue to partner with states, drinking water utilities, and other stakeholders to identify and address current and potential sources of drinking water contamination, particularly in areas of significant regional and national importance. These efforts are integral to infrastructure efforts because source water protection can reduce the need for additional drinking water treatment and avoids the associated costs.

To assure the American people that their water is safe to drink, the EPA's drinking water regulatory program monitors for a broad array of contaminants, evaluates whether contaminants are of public health concern, and regulates contaminants when there is a meaningful opportunity for health risk reduction for persons served by public water systems. In addition, the EPA will work to reduce lead risks through revisions to the Lead and Copper Rule (LCR), and regulations to implement the Water Infrastructure Improvement for the Nation Act and the Reduction of Lead in Drinking Water Act.

EPA will continue to provide scientific water quality criteria information to our partners and the public, review and approve state water quality standards, and review and approve state lists of impaired waters. In FY 2018, the agency will work with states and other partners on Total Maximum Daily Loads (TMDLs) as required by the Clean Water Act, as well as on other waterbody restoration plans for listed impaired waterbodies. EPA also will continue to

implement and support core water quality programs that control point-source discharges through permitting and pre-treatment programs.

Like President Trump, I believe that we need to work with our state governments to understand what they think is the best way to protect their waters, and what actions they are already taking to do so. EPA should only intervene when states demonstrate an unwillingness to comply with the law or to do their job, with regard to keeping water clean and safe for families, businesses, and the public at large.

The Clean Water Act asserts federal control over “navigable waters” without providing clarity or details about the law’s scope. President Trump signed an executive order on February 28, 2017 to directing the EPA and the Corps of Engineers to review the Obama Administration’s Clean Water Rule – also known as the “Waters of the U.S.” or WOTUS – and propose to rescind or revise the rule as appropriate and consistent with the law and to ensure that we are meeting the original goals and policies of the Clean Water Act, as Congress has established.

To meet the objectives of the executive order, the EPA and the Office of the Assistant Secretary of the Army for Civil Works have already begun soliciting input from states, tribes, and other stakeholders and are following a two-step process that will provide as much certainty as possible, as quickly as possible, to the regulated community and the public during this process.

Cleaning up Contaminated Land to Revitalize Communities

In an effort to restore the cleanup of contaminated lands to its rightful place at the center of the EPA’s core mission, I am prioritizing Superfund cleanups. EPA’s Superfund program is responsible for the cleanup of some of the nation’s most contaminated areas. One of my first actions as Administrator was to visit the community of East Chicago, Indiana, a Superfund site where residents have been dealing for decades with lead contamination from a former smelter. We’ve installed a new ombudsman office in the community to make sure residents are kept informed, we have worked with the state and local officials on providing clean drinking water, and we have worked with some of the responsible parties to secure more money to clean up additional homes.

During my confirmation process and in my time as Administrator, I have heard from families and community members, elected officials, and business leaders that the cleanup of contaminated sites takes too long. I have already taken a number of steps to elevate these issues within the Agency and to make sure that we are doing all we can to ensure cleanups are occurring without delay, sites are being put back to productive use wherever possible, and families and nearby residents know that their communities are safe. I have changed the approval process for sites with remedies estimated to cost \$50 million or more to ensure they get the appropriate level of attention from myself and my senior staff. I have also established a Superfund task force to provide me with recommendations on how EPA can streamline and improve the Superfund program.

In addition to the Superfund program, the Brownfields grants programs will safely clean-up and restore to enable the redevelopment of contaminated land under my leadership at EPA. These

programs not only return land to productive use but also help spur economic development and job creation. Brownfields grants have a community driven approach, with over 67,000 acres of idle land made ready for productive use and over 124,300 jobs and \$23.6 billion leveraged.

Land cleanup and restoration efforts, including Superfund cleanup and Brownfields land restoration projects, will continue at a funding level of \$992 million in FY 2018. When it comes to cleaning up these sites, I believe that with better leadership, and reducing inefficiencies and administrative costs, we can take steps to accelerate the pace of the clean-ups.

Ensuring the Safety of Chemicals in Commerce

Ensuring the safety of chemicals used in commerce is a priority. Resources are needed to support efforts to minimize American exposure to pesticides, help maintain a healthy food supply and address public health concerns.

The EPA's toxics program will maintain its 'zero tolerance' goal for preventing the introduction of unsafe new chemicals into commerce. In FY 2018, \$65 million is requested for the Toxic Substances Control Act (TSCA) Chemical Risk Review and Reduction Program to support the agency's significant continuing and new responsibilities for ensuring that chemicals in commerce do not present unreasonable risks to human health or the environment. New chemicals will be evaluated and decisions will be based on the best available science and the weight of evidence.

EPA reviews about 1,000 new chemicals per year, and must complete the review of each submission within a specified timeframe, resulting in about 300 chemicals under review at any given time. By January 2017, the number under review had grown to about 600.

Under my leadership, we have split by half the backlog of new chemical submissions being reviewed under TSCA, with plans to fully eliminate the backlog by the end of July. The agency is also increasing transparency for the public and the regulated community about these chemicals.

We are working with companies to gather all the relevant information early in the process, to inform safety reviews for new chemicals. Reviewing new chemicals quickly will enable those deemed safe to enter the marketplace to support jobs and our economy.

The reduction in the backlog is the result of prioritizing and implementing process efficiencies. EPA will continue to work with all stakeholders to identify additional changes to improve the quality, efficiency and transparency of the new chemical review program.

For chemicals in commerce, EPA will maintain an ambitious schedule for initiating and completing chemical risk evaluations and, where risks are identified, for initiating and completing regulatory actions to address those risks. EPA also will implement the new mandates related to determinations on claims for confidentiality for chemical identities.

In FY 2018, the agency will continue implementing TSCA activities not amended by the Frank R. Lautenberg Chemical Safety for the 21st Century Act. The agency also will provide firm and individual certifications for safe work practices for lead-based paint abatement and renovation and repair efforts, as well as provide for the operation and maintenance of the online Federal Lead-Based Paint program database (FLPP) that supports the processing of applications for training providers, firms and individuals.

Identifying, assessing, and reducing the risks presented by the pesticides on which our society and economy rely is integral to ensuring environmental and human safety. Chemical and biological pesticides help meet national and global demands for food. They provide effective pest control for homes, schools, gardens, highways, utility lines, hospitals, and drinking water treatment facilities, while also controlling vectors of disease. The program ensures that the pesticides available in the U.S. are safe when used as directed. In addition, the program is increasing the focus on pollinator health, working with other federal partners, states, and private stakeholder groups to stem pollinator declines and increase pollinator habitat.

In FY 2018, EPA will invest resources to improve the compliance of pesticide registrations with the Endangered Species Act. A portion of the funding also will ensure that pesticides are correctly registered and applied in a manner that protects water quality.

Punishing Bad Actors

EPA will remain focused on punishing bad actors. That means enforcing civil and criminal cases in areas that address substantial impacts to human health and the environment. EPA's enforcement efforts have produced billions of dollars in cleanup commitments from violators and billions of pounds of pollution prevented and cleaned up as a result of those commitments to date.

As states are the primary implementers of many enforcement action programs, we will focus agency resources on non-delegated programs. We will rely on our state partners to achieve compliance and enforcement goals, and we will focus resources on our direct implementation responsibilities and oversight, emphasizing violations with public health and environmental impacts.

Streamlining

As careful stewards of taxpayer resources, we will look to attack waste by examining our programs that are unnecessary, redundant, or those that have served their purpose and accomplished their mission or are outside EPA's statutory mandates. The FY 2018 budget identifies and eliminates programs so that EPA can focus on its statutory mission, achieving greater value and greater results.

In FY 2018, these efforts include streamlining permitting processes and National Environmental Policy Act (NEPA) infrastructure project reviews along with the focused effort on improving Superfund processes. We will build on business process improvements by partnering with states, tribes, and local governments to expand and support approaches across all our programs.

To help achieve its mission, EPA will develop, review and analyze program requirements and implement options to effectively align and redistribute the agency's workforce based on priorities and technological advances. The result of these analyses is expected to create a need to reshape the workforce and maintain the current hiring freeze. The agency will also offer voluntary early out retirement pay (VERA) and voluntary separation incentive pay (VSIP) in FY 2018 to achieve effective reshaping.

This budget does not include plans to close regional offices, but we will continue to prioritize efforts that save taxpayer dollars through space consolidation and essential renovations to reduce and optimize our physical footprint.

The budget request also significantly reduces or eliminates funding for mature programs that no longer need a federal presence or can be implemented by others. We will work with states and tribes to target resources to core statutory work and provide flexibility to address particular priorities and concerns. The FY 2018 President's Budget identifies and eliminates programs, to save taxpayers \$1.03 billion relative to our FY 2017 Enacted budget.

We are committed to performing the work that is necessary to meet our mission of protecting public health and the environment. With support from our state and local partners – and by working with each of you, and your colleagues in Congress, we can make a real difference to communities across America.

I look forward to answering your questions.

To: Biesecker, Michael[MBiesecker@ap.org]; Colvin, Jill[JColvin@ap.org]
From: Wilcox, Jahan
Sent: Thur 6/15/2017 2:33:55 PM
Subject: Hey Michael and Jill
[Budget Testimony.pdf](#)

This is embargoed until 11:00 AM ET. Attached is Pruitt's testimony that he will give this morning.

Jahan Wilcox
EPA
Strategic Communications Advisor
Work Cell: Ex. 6 - Personal Privacy
Work Email: wilcox.jahan@epa.gov

To: Timothy Cama[tcama@thehill.com]
From: Wilcox, Jahan
Sent: Thur 6/15/2017 2:34:22 PM
Subject: Hey Tim -
[Budget Testimony.pdf](#)

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Jahan Wilcox
EPA
Strategic Communications Advisor
Work Cell: Ex. 6 - Personal Privacy
Work Email: wilcox.jahan@epa.gov

To: Brady.Dennis@washpost.com[Brady.Dennis@washpost.com]
From: Wilcox, Jahan
Sent: Thur 6/15/2017 2:35:08 PM
Subject: Hey Brady
Budget Testimony.pdf

This is embargoed until 11:00 AM ET. Attached is Pruitt's testimony that he will give this morning.

Jahan Wilcox
EPA
Strategic Communications Advisor
Work Cell: Ex. 6 - Personal Privacy
Work Email: wilcox.jahan@epa.gov

Cc: Daniell, Kelsi[daniell.kelsi@epa.gov]
To: amy@axios.com[amy@axios.com]
From: Wilcox, Jahan
Sent: Fri 12/22/2017 6:51:08 PM
Subject: Merry Christmas, Amy

This release will be going out at 3:30. You can report on it now.

Begin forwarded message:

From: "EPA Press Office" <press@epa.gov>
Date: December 22, 2017 at 1:03:11 PM EST
To: "wilcox.jahan@epa.gov" <wilcox.jahan@epa.gov>
Subject: EPA Advances Cooperative Federalism Through Designation Process for Sulfur Dioxide and Ozone Standards - Preview
Reply-To: press@epa.gov

EPA Advances Cooperative Federalism Through Designation Process for Sulfur Dioxide and Ozone Standards

EPA Advances Cooperative Federalism Through Designation Process for Sulfur Dioxide and Ozone Standards

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"Cooperative federalism is key to maintaining clean air," **said EPA Administrator Scott Pruitt.** "Largely due to work by the states and new technological advances by the private sector, monitored levels of SO₂ have dropped 85 percent and levels of ozone have decreased 22 percent nationwide since 1990. I am encouraged by the progress we've made and will continue working alongside states, tribes, and localities to determine the best methods to meet air quality standards."

This action on sulfur dioxide is the third of four rounds of final designations. These designations reflect progress for sulfur dioxide, as only six areas have been designated "nonattainment" with the 2010 standard. Only 50 areas remain to be designated for sulfur dioxide in the fourth and final round. For these areas, EPA is supporting the decision by states to install and operate new monitors, so they can gather three full calendar years of data to inform a designation by the end of 2020. Additional information on this action is available at: <https://www.epa.gov/sulfur-dioxide-designations>.

With respect to ozone standards last updated in 2015, EPA today, in accordance with the Clean Air Act, sent letters to states to start a 120-day period for states and tribes to provide more information

with regard to their suggested designations of certain areas where further analysis and dialogue may be needed. While not required to seek public comment during the 120-day period, EPA will also be opening a 30-day comment period for the public to provide input on these designations before they are finalized. The Agency acknowledges the importance of background ozone outside the control of state and tribal air agencies. These designations employ the limited tools for regulatory relief for state and tribal air agencies to address background ozone, including: the exclusion of data that result from 'exceptional events,' the use of rural transport areas, and appropriately tailored nonattainment area boundaries for sites minimally impacted by nearby sources. EPA looks forward to working with its state, local, and tribal government partners to fulfill the Congressional design of protecting public health through cooperative federalism. Additional information on this action is available at: <https://www.epa.gov/ozone-designations>.

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Cc: Daniell, Kelsi[daniell.kelsi@epa.gov]
To: valerie.volcovici@thomsonreuters.com[valerie.volcovici@thomsonreuters.com];
timothy.gardner@thomsonreuters.com[timothy.gardner@thomsonreuters.com]
From: Wilcox, Jahan
Sent: Fri 12/22/2017 6:52:06 PM
Subject: Valerie - Merry Christmas

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From: "EPA Press Office" <press@epa.gov>
Date: December 22, 2017 at 1:03:11 PM EST
To: "wilcox.jahan@epa.gov" <wilcox.jahan@epa.gov>
Subject: EPA Advances Cooperative Federalism Through Designation Process for Sulfur Dioxide and Ozone Standards - Preview
Reply-To: press@epa.gov

EPA Advances Cooperative Federalism Through Designation Process for Sulfur Dioxide and Ozone Standards

EPA Advances Cooperative Federalism Through Designation Process for Sulfur Dioxide and Ozone Standards

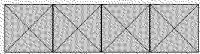
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Cc: Hewitt, James[hewitt.james@epa.gov]
To: **Ex. 6 - Matthew Boyle personal email**
smoran@breitbart.com[smoran@breitbart.com]; pstarr@breitbart.com[pstarr@breitbart.com]
From: Wilcox, Jahan
Sent: Fri 12/22/2017 6:53:45 PM
Subject: Merry Christmas Friends

This release will be going out at 3:30. You can report on it now if you wish.

Merry Christmas!

Jahan

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From: "EPA Press Office" <press@epa.gov>
Date: December 22, 2017 at 1:03:11 PM EST
To: "wilcox.jahan@epa.gov" <wilcox.jahan@epa.gov>
Subject: EPA Advances Cooperative Federalism Through Designation Process for Sulfur Dioxide and Ozone Standards - Preview
Reply-To: press@epa.gov

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To: Kevin Bogardus[kbogardus@eenews.net]
From: Wilcox, Jahan
Sent: Fri 12/22/2017 7:04:35 PM
Subject: Merry Christmas Pal

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Jahan

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Date: December 22, 2017 at 1:03:11 PM EST
To: "wilcox.jahan@epa.gov" <wilcox.jahan@epa.gov>
Subject: EPA Advances Cooperative Federalism Through Designation Process for Sulfur Dioxide and Ozone Standards - Preview
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To: Jackie Toth[JackieToth@cqrollcall.com]
From: Wilcox, Jahan
Sent: Thur 6/15/2017 2:35:51 PM
Subject: Hey Jackie
Budget Testimony.pdf

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Jahan Wilcox
EPA
Strategic Communications Advisor
Work Cell: Ex. 6 - Personal Privacy
Work Email: wilcox.jahan@epa.gov

To: Armstrong, Annalee[Annalee.Armstrong@spglobal.com]
Cc: Bowman, Liz[Bowman.Liz@epa.gov]; Abboud, Michael[abboud.michael@epa.gov]; Hewitt, James[hewitt.james@epa.gov]
From: Wilcox, Jahan
Sent: Wed 10/25/2017 3:58:19 PM
Subject: Hey Annalee -
[EO-13783-final-report-2017-oct_25.pdf](#)
[2017-10-25 DRAFT EPA EO 13783 release DF.docx](#)

Attached our the energy independence report. This is embargoed until 2:00 PM EDT. Let us know if you have questions.

To: valerie.volcovici@thomsonreuters.com[valerie.volcovici@thomsonreuters.com]
From: Wilcox, Jahan
Sent: Thur 6/15/2017 2:36:23 PM
Subject: Hey Valerie
Budget Testiony.pdf

This is embargoed until 11:00 AM ET. Attached is Pruitt's testimony that he will give this morning.

Jahan Wilcox
EPA
Strategic Communications Advisor
Work Cell: Ex. 6 - Personal Privacy
Work Email: wilcox.jahan@epa.gov

To: Kevin Bogardus[kbogardus@eenews.net]
Cc: Bowman, Liz[Bowman.Liz@epa.gov]; Abboud, Michael[abboud.michael@epa.gov]; Hewitt, James[hewitt.james@epa.gov]
From: Wilcox, Jahan
Sent: Wed 10/25/2017 4:03:45 PM
Subject: Hi Kevin
[EO-13783-final-report-2017-oct_25.pdf](#)
[2017-10-25 DRAFT EPA EO 13783 release DF.docx](#)

Attached is our the energy independence report. This is embargoed until 2:00 PM EDT. Let us know if you have questions.

To: Elizabeth Harrington[elizabeth@freebeacon.com]
From: Wilcox, Jahan
Sent: Thur 6/15/2017 2:37:28 PM
Subject: Hey Liz
Budget Testimony.pdf

This is embargoed until 11:00 AM ET. Attached is Pruitt's testimony that he will give this morning.

Jahan Wilcox
EPA
Strategic Communications Advisor
Work Cell: Ex. 6 - Personal Privacy
Work Email: wilcox.jahan@epa.gov

To: Sean Moran[smoran@breitbart.com]
From: Wilcox, Jahan
Sent: Thur 6/15/2017 2:37:50 PM
Subject: Hey Sean
Budget Testimony.pdf

This is embargoed until 11:00 AM ET. Attached is Pruitt's testimony that he will give this morning.

Jahan Wilcox
EPA
Strategic Communications Advisor
Work Cell: Ex. 6 - Personal Privacy
Work Email: wilcox.jahan@epa.gov

To: Jeff Bechdel[jbechdel@ntknetwork.com]
From: Wilcox, Jahan
Sent: Thur 6/15/2017 2:38:16 PM
Subject: Hey Jeff
Budget Testimony.pdf

This is embargoed until 11:00 AM ET. Attached is Pruitt's testimony that he will give this morning.

Jahan Wilcox
EPA
Strategic Communications Advisor
Work Cell: Ex. 6 - Personal Privacy
Work Email: wilcox.jahan@epa.gov

To: jazz shaw; **Ex. 6 - Personal Privacy**
From: Wilcox, Jahan
Sent: Thur 6/15/2017 2:38:47 PM
Subject: Hey Jazz
[Budget Testiony.pdf](#)

This is embargoed until 11:00 AM ET. Attached is Pruitt's testimony that he will give this morning.

Jahan Wilcox
EPA
Strategic Communications Advisor
Work Cell: **Ex. 6 - Personal Privacy**
Work Email: wilcox.jahan@epa.gov

To: Ashley.Killough@cnn.com[Ashley.Killough@cnn.com]
From: Wilcox, Jahan
Sent: Thur 6/15/2017 2:39:23 PM
Subject: Hey Ashley
Budget Testimony.pdf

This is embargoed until 11:00 AM ET. Attached is Pruitt's testimony that he will give this morning.

Jahan Wilcox
EPA
Strategic Communications Advisor
Work Cell: Ex. 6 - Personal Privacy
Work Email: wilcox.jahan@epa.gov

To: Jack Fitzpatrick[jfitzpatrick@morningconsult.com]
From: Wilcox, Jahan
Sent: Thur 6/15/2017 2:41:50 PM
Subject: Hey Jack -
Budget Testimony.pdf

This is embargoed until 11:00 AM ET. Attached is Pruitt's testimony that he will give this morning.

Jahan Wilcox
EPA
Strategic Communications Advisor
Work Cell: Ex. 6 - Personal Privacy
Work Email: wilcox.jahan@epa.gov

To: Jennifer A. Dlouhy[jdlouhy1@bloomberg.net]
From: Wilcox, Jahan
Sent: Thur 6/15/2017 2:42:16 PM
Subject: Hey Jennifer
Budget Testimony.pdf

This is embargoed until 11:00 AM ET. Attached is Pruitt's testimony that he will give this morning.

Jahan Wilcox
EPA
Strategic Communications Advisor
Work Cell: Ex. 6 - Personal Privacy
Work Email: wilcox.jahan@epa.gov

To: Alex Guillen[aguillen@politico.com]
From: Wilcox, Jahan
Sent: Thur 6/15/2017 2:42:59 PM
Subject: Hey Alex
Budget Testimony.pdf

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Jahan Wilcox
EPA
Strategic Communications Advisor
Work Cell: Ex. 6 - Personal Privacy
Work Email: wilcox.jahan@epa.gov

To: conkitew@cbsnews.com[conkitew@cbsnews.com]
From: Wilcox, Jahan
Sent: Thur 6/15/2017 2:43:35 PM
Subject: Hey Walt
Budget Testimony.pdf

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Jahan Wilcox
EPA
Strategic Communications Advisor
Work Cell: Ex. 6 - Personal Privacy
Work Email: wilcox.jahan@epa.gov

To: Daniella Cheslow[DCheslow@npr.org]
From: Wilcox, Jahan
Sent: Thur 6/15/2017 3:46:42 PM
Subject: Here you go
Budget Testimony.pdf

Jahan Wilcox
EPA
Strategic Communications Advisor
Work Cell: Ex. 6 - Personal Privacy
Work Email: wilcox.jahan@epa.gov

To: sGibb@bna.com[sGibb@bna.com]
From: Wilcox, Jahan
Sent: Thur 6/15/2017 4:32:56 PM
Subject: Here you go
Budget Testiony.pdf

Jahan Wilcox
EPA
Strategic Communications Advisor
Work Cell: Ex. 6 - Personal Privacy
Work Email: wilcox.jahan@epa.gov

To: Biesecker, Michael[MBiesecker@ap.org]; NRiccardi@ap.org[NRiccardi@ap.org]
From: Wilcox, Jahan
Sent: Mon 6/26/2017 5:37:41 PM
Subject: FW: JUSTICE DEPARTMENT AND STATE OF COLORADO FILE COMPLAINT AGAINST
PDC ENERGY, INC. FOR ALLEGED CLEAN AIR ACT VIOLATIONS
[PDC Energy Inc. Complaint.pdf](#)

FYI ...

From: USDOJ-Office of Public Affairs (SMO) [mailto:USDOJ-Office.of.Public.Affairs@usdoj.gov]
Sent: Monday, June 26, 2017 1:17 PM
To: USDOJ-Office of Public Affairs (SMO) <USDOJ-Office.of.Public.Affairs@usdoj.gov>
Subject: JUSTICE DEPARTMENT AND STATE OF COLORADO FILE COMPLAINT
AGAINST PDC ENERGY, INC. FOR ALLEGED CLEAN AIR ACT VIOLATIONS

NOTE: The Complaint is attached as a PDF.



Department of Justice

RELEASE	FOR IMMEDIATE	ENRD
MONDAY, JUNE 26, 2017	514-2007	(202)
WWW.JUSTICE.GOV	544-5309	TTY (866)

-

JUSTICE DEPARTMENT AND STATE OF COLORADO FILE COMPLAINT AGAINST

PDC ENERGY, INC. FOR ALLEGED CLEAN AIR ACT VIOLATIONS

WASHINGTON – The Department of Justice, the Environmental Protection Agency (EPA) and the State of Colorado, on behalf of the Colorado Department of Public Health and Environment (CDPHE), today filed a civil complaint in federal court in Denver, Colorado, against PDC Energy, Inc. (PDC).

The complaint alleges violations of the Clean Air Act, the Colorado Air Pollution Prevention and Control Act, Colorado's federally approved State Implementation Plan, and Colorado Air Quality Control Commission Regulation Number 7 (Regulation 7), for unlawful emissions of volatile organic compounds (VOC) from storage tanks that are, or until recently were, part of PDC's oil and natural gas production system in the Denver-Julesburg Basin (D-J Basin) located in Adams and Weld Counties, Colorado.

“Violations of environmental law will be pursued and punished,” said Environmental Protection Agency Administrator Scott Pruitt. “We will work with our federal, state and local partners to punish those that violate the laws to the detriment of human health and the environment.”

“Reducing emissions from condensate storage tanks is a critical component of our efforts to bring the Denver Metro/North Front Range Area back into compliance with ground level ozone standards,” said Director of Environmental Programs Martha Rudolph of the Colorado Department of Public Health and Environment. “Colorado has been a leader in developing and implementing control requirements for these tanks and it is vitally important that we take the necessary steps to ensure that these requirements are uniformly followed.”

“Violating emissions standards endangers public health and can give violators an unfair advantage in the marketplace,” said Acting Assistant Attorney General Jeffrey H. Wood of the Department of Justice's Environment and Natural Resources Division. “The United States will pursue all appropriate remedies against entities that violate our nation's clean air laws.”

PDC owns or operates approximately 600 tank batteries in the D-J Basin that PDC has certified as being controlled to comply with Regulation 7's system-wide VOC reduction requirements. The complaint alleges that at 86 tank batteries, and potentially hundreds more, PDC has violated

numerous requirements in Regulation 7 intended to address VOC emissions from storage tanks. The complaint alleges that PDC failed to adequately design, operate and maintain vapor control systems on condensate storage tanks resulting in VOC emissions from pressure relief valves and openings on condensate storage tanks.

The complaint alleges that PDC's failure to comply with these requirements has resulted in significant excess VOC emissions, a precursor to ground-level ozone. Ground-level ozone is a criteria pollutant, meaning that it causes or contributes to air pollution that may reasonably be anticipated to endanger public health or welfare. PDC operates in an area where air quality does not meet the National Ambient Air Quality Standards (NAAQS) for ground-level ozone.

These allegations are consistent with those set forth in the Compliance Advisory in December 2015 and the Notice of Violation in May 2017 that were both issued by CDPHE to PDC.

According to the complaint, following the issuance of the 2015 Compliance Advisory, CDPHE inspectors conducted additional inspections of PDC tank batteries and observed VOC emissions from several of the same tank batteries covered by the 2015 Compliance Advisory. CDPHE inspectors also observed VOC emissions from PDC tank batteries not covered by the 2015 Compliance Advisory and issued the 2017 Notice of Violation to PDC identifying violations of Regulation 7 at the other PDC tank batteries.

The civil complaint filed today seeks injunctive relief and the assessment of civil penalties. A civil complaint does not preclude the government from seeking other legal remedies.

The Clean Air Act is the comprehensive federal law that regulates air emissions of criteria pollutants and hazardous air pollutants from stationary and mobile sources to protect public health and public welfare.

###

17-703

DO NOT REPLY TO THIS MESSAGE. IF YOU HAVE QUESTIONS, PLEASE USE THE CONTACTS IN THE MESSAGE OR CALL THE OFFICE OF PUBLIC AFFAIRS AT 202-514-2007.

To: Stokols, Eli[eli.stokols@wsj.com]
From: Wilcox, Jahan
Sent: Mon 6/26/2017 5:38:52 PM
Subject: FW: JUSTICE DEPARTMENT AND STATE OF COLORADO FILE COMPLAINT AGAINST PDC ENERGY, INC. FOR ALLEGED CLEAN AIR ACT VIOLATIONS
[PDC Energy Inc. Complaint.pdf](#)

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PDC owns or operates approximately 600 tank batteries in the D-J Basin that PDC has certified as being controlled to comply with Regulation 7's system-wide VOC reduction requirements. The complaint alleges that at 86 tank batteries, and potentially hundreds more, PDC has violated numerous requirements in Regulation 7 intended to address VOC emissions from storage tanks. The complaint alleges that PDC failed to adequately design, operate and maintain vapor control

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To: Jennifer A. Dlouhy[jdlouhy1@bloomberg.net]
From: Wilcox, Jahan
Sent: Mon 6/26/2017 5:39:17 PM
Subject: FW: JUSTICE DEPARTMENT AND STATE OF COLORADO FILE COMPLAINT AGAINST
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17-703

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To: Timothy Cama[tcama@thehill.com]
From: Wilcox, Jahan
Sent: Mon 6/26/2017 5:40:11 PM
Subject: FW: JUSTICE DEPARTMENT AND STATE OF COLORADO FILE COMPLAINT AGAINST
PDC ENERGY, INC. FOR ALLEGED CLEAN AIR ACT VIOLATIONS
[PDC Energy Inc. Complaint.pdf](#)

FYI

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Sent: Monday, June 26, 2017 1:17 PM
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To: andrew@dailycallernewsfoundation.org[andrew@dailycallernewsfoundation.org]
From: Wilcox, Jahan
Sent: Mon 6/26/2017 5:43:01 PM
Subject: FW: JUSTICE DEPARTMENT AND STATE OF COLORADO FILE COMPLAINT AGAINST
PDC ENERGY, INC. FOR ALLEGED CLEAN AIR ACT VIOLATIONS
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THE CONTACTS IN THE MESSAGE OR CALL THE OFFICE OF PUBLIC AFFAIRS AT
202-514-2007.

To: Wilcox, Jahan[wilcox.jahan@epa.gov]
From: Biesecker, Michael
Sent: Mon 6/26/2017 5:40:20 PM
Subject: RE: JUSTICE DEPARTMENT AND STATE OF COLORADO FILE COMPLAINT AGAINST PDC ENERGY, INC. FOR ALLEGED CLEAN AIR ACT VIOLATIONS

Thanks. Our Denver folks will handle.

From: Wilcox, Jahan [mailto:wilcox.jahan@epa.gov]
Sent: Monday, June 26, 2017 1:38 PM
To: Biesecker, Michael; Riccardi, Nicholas
Subject: FW: JUSTICE DEPARTMENT AND STATE OF COLORADO FILE COMPLAINT AGAINST PDC ENERGY, INC. FOR ALLEGED CLEAN AIR ACT VIOLATIONS

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**JUSTICE DEPARTMENT AND STATE OF COLORADO FILE COMPLAINT AGAINST
PDC ENERGY, INC. FOR ALLEGED CLEAN AIR ACT VIOLATIONS**

WASHINGTON – The Department of Justice, the Environmental Protection Agency (EPA) and the State of Colorado, on behalf of the Colorado Department of Public Health and Environment (CDPHE), today filed a civil complaint in federal court in Denver, Colorado, against PDC Energy, Inc. (PDC).

The complaint alleges violations of the Clean Air Act, the Colorado Air Pollution Prevention and Control Act, Colorado’s federally approved State Implementation Plan, and Colorado Air Quality Control Commission Regulation Number 7 (Regulation 7), for unlawful emissions of volatile organic compounds (VOC) from storage tanks that are, or until recently were, part of PDC’s oil and natural gas production system in the Denver-Julesburg Basin (D-J Basin) located in Adams and Weld Counties, Colorado.

“Violations of environmental law will be pursued and punished,” said Environmental Protection Agency Administrator Scott Pruitt. “We will work with our federal, state and local partners to punish those that violate the laws to the detriment of human health and the environment.”

“Reducing emissions from condensate storage tanks is a critical component of our efforts to bring the Denver Metro/North Front Range Area back into compliance with ground level ozone standards,” said Director of Environmental Programs Martha Rudolph of the Colorado Department of Public Health and Environment. “Colorado has been a leader in developing and implementing control requirements for these tanks and it is vitally important that we take the necessary steps to ensure that these requirements are uniformly followed.”

“Violating emissions standards endangers public health and can give violators an unfair

advantage in the marketplace,” said Acting Assistant Attorney General Jeffrey H. Wood of the Department of Justice’s Environment and Natural Resources Division. “The United States will pursue all appropriate remedies against entities that violate our nation’s clean air laws.”

PDC owns or operates approximately 600 tank batteries in the D-J Basin that PDC has certified as being controlled to comply with Regulation 7’s system-wide VOC reduction requirements. The complaint alleges that at 86 tank batteries, and potentially hundreds more, PDC has violated numerous requirements in Regulation 7 intended to address VOC emissions from storage tanks. The complaint alleges that PDC failed to adequately design, operate and maintain vapor control systems on condensate storage tanks resulting in VOC emissions from pressure relief valves and openings on condensate storage tanks.

The complaint alleges that PDC’s failure to comply with these requirements has resulted in significant excess VOC emissions, a precursor to ground-level ozone. Ground-level ozone is a criteria pollutant, meaning that it causes or contributes to air pollution that may reasonably be anticipated to endanger public health or welfare. PDC operates in an area where air quality does not meet the National Ambient Air Quality Standards (NAAQS) for ground-level ozone.

These allegations are consistent with those set forth in the Compliance Advisory in December 2015 and the Notice of Violation in May 2017 that were both issued by CDPHE to PDC.

According to the complaint, following the issuance of the 2015 Compliance Advisory, CDPHE inspectors conducted additional inspections of PDC tank batteries and observed VOC emissions from several of the same tank batteries covered by the 2015 Compliance Advisory. CDPHE inspectors also observed VOC emissions from PDC tank batteries not covered by the 2015 Compliance Advisory and issued the 2017 Notice of Violation to PDC identifying violations of Regulation 7 at the other PDC tank batteries.

The civil complaint filed today seeks injunctive relief and the assessment of civil penalties. A civil complaint does not preclude the government from seeking other legal remedies.

The Clean Air Act is the comprehensive federal law that regulates air emissions of criteria pollutants and hazardous air pollutants from stationary and mobile sources to protect public health and public welfare.

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17-703

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To: Wilcox, Jahan[wilcox.jahan@epa.gov]; Annie Snider[asnider@politico.com]
From: Alex Guillen
Sent: Mon 6/26/2017 5:59:39 PM
Subject: RE: JUSTICE DEPARTMENT AND STATE OF COLORADO FILE COMPLAINT AGAINST PDC ENERGY, INC. FOR ALLEGED CLEAN AIR ACT VIOLATIONS

Thanks, Jahan. We're including in Afternoon Energy.

From: Wilcox, Jahan [mailto:wilcox.jahan@epa.gov]
Sent: Monday, June 26, 2017 1:52 PM
To: Alex Guillen <aguillen@politico.com>; Annie Snider <asnider@politico.com>
Subject: FW: JUSTICE DEPARTMENT AND STATE OF COLORADO FILE COMPLAINT AGAINST PDC ENERGY, INC. FOR ALLEGED CLEAN AIR ACT VIOLATIONS

From: USDOJ-Office of Public Affairs (SMO) [mailto:USDOJ-Office.of.Public.Affairs@usdoj.gov]
Sent: Monday, June 26, 2017 1:17 PM
To: USDOJ-Office of Public Affairs (SMO) <USDOJ-Office.of.Public.Affairs@usdoj.gov>
Subject: JUSTICE DEPARTMENT AND STATE OF COLORADO FILE COMPLAINT AGAINST PDC ENERGY, INC. FOR ALLEGED CLEAN AIR ACT VIOLATIONS

NOTE: The Complaint is attached as a PDF.



Department of Justice

RELEASE

FOR IMMEDIATE

ENRD

ED_001650_00112768

MONDAY, JUNE 26, 2017

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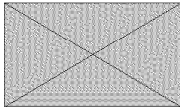
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17-703

DO NOT REPLY TO THIS MESSAGE. IF YOU HAVE QUESTIONS, PLEASE USE THE CONTACTS IN THE MESSAGE OR CALL THE OFFICE OF PUBLIC AFFAIRS AT 202-514-2007.

To: Wilcox, Jahan[wilcox.jahan@epa.gov]
From: Jack Gerard, API
Sent: Thur 11/2/2017 1:28:37 PM
Subject: Regulatory Certainty on Ozone Can Protect U.S. Competitiveness

[Click to view this email in a browser](#)



November 2, 2017

Dear Jahan,

The combined emissions of six key air pollutants dropped 73 percent between 1970 and 2016, according to the Environmental Protection Agency's latest annual air quality report, and ground level ozone levels have decreased 17 percent since 2005. All this occurred during a time of significant economic growth, and these are achievements we all can and should be proud of since it is the result of the combined efforts of states, counties and [industry to reduce air emissions](#).

Congress can ensure continued environmental and economic progress by implementing [reforms to ozone regulations](#) that eliminate duplicative regulatory requirements. In simple terms, EPA issued new ozone regulations in 2015 before its existing 2008 regulations – *the strictest in history* – had been fully implemented. That is leaving states in the costly position of attempting to comply with [two competing sets of ozone regulations](#).

To understand how important reform is, take a look at the long and varied list of [303 organizations that wrote a letter](#) explaining the economic impact of dueling standards that, in some cases, require states to achieve ozone levels approaching or below naturally occurring levels of ozone. The coalition includes local governments, chambers of commerce, businesses, and associations representing: manufacturers, construction workers, energy producers, dairy farmers, cattlemen, auto dealers, truckers, timber producers, restaurant and hospitality groups, poultry producers, convenience stores, engineers, grocers, retailers, and many others.

Here's what they had to say:

"If implemented, EPA's stringent ozone standards could limit business expansion in many areas of the United States and risk the ability of U.S. companies to create new jobs. The standards add red tape to companies seeking to grow even in areas that can attain those standards. ... Increased costs associated with restrictive and expensive permit requirements could likely deter companies from siting new facilities in a nonattainment area, making the United States a less attractive place to do business and risking shipping jobs overseas."

The fact is, the strict 2008 ozone standards are working and will continue to reduce ozone concentrations. A House-passed bill would help cut the red tape and provide the regulatory certainty that states need to keep reducing ozone emissions without hurting job growth. The Ozone Standards Implementation Act of 2017, [approved in the House](#) earlier this year, recognizes ongoing state efforts to improve air quality, would reduce onerous requirements and facilitate the ability of businesses to expand operations and create jobs, while including other reforms that bring more regulatory certainty to federal air quality standards.

With Congress focused on tax reform and other budget issues, [ozone regulatory reform fits right in as a policy priority](#) with major economic implications for the entire nation. We urge the

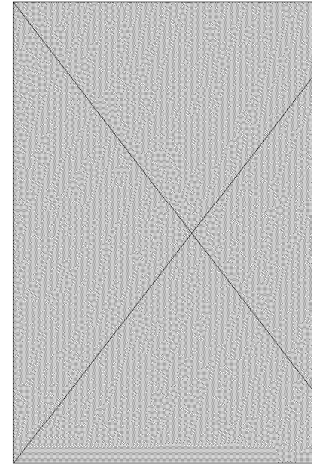
Senate to join the House in passing commonsense ozone regulatory reform.

Sincerely,

Jack N. Gerard
President & CEO
API

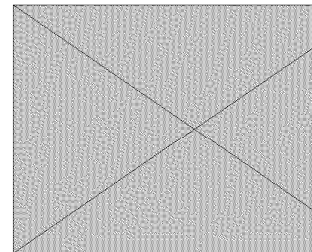
Offshore Development: Safety above All Else

Keeping our workforce safe is just one area of continuously improving safety that the natural gas and oil industry works hard on every day. One area where the industry brings a keen focus is the safety of offshore operations. [Learn more about the regulations, safety practices, technology and environmental management systems](#) that keep offshore production safe.



Follow our Blog to stay up-to-date

To stay up-to-date on the latest energy-related news, there is no better place to check than the [Energy Tomorrow Blog](#).



About API:

API is the only national trade association representing all facets of the oil and natural gas industry, which supports 10.3 million U.S. jobs and nearly 8 percent of the U.S. economy. API's more than 625 members include large integrated companies, as well as exploration and production, refining, marketing, pipeline, and marine businesses, and service and supply firms. They provide most of the nation's energy and are backed by a growing grassroots movement of more than 40 million Americans.

To learn more about API and the value of oil and natural gas, please visit [API.org](#).

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Jack Gerard, API
1220 L Street, NW
Washington, DC 20005
US

.....

To: Wilcox, Jahan[wilcox.jahan@epa.gov]
From: Jeff Bechdel
Sent: Thur 4/27/2017 5:28:28 PM
Subject: Re: DRAFT ...

Hey Jahan, thanks for the note. Will take a look and let you know if we have any questions.
Best,
Jeff

On Thu, Apr 27, 2017 at 1:19 PM, Wilcox, Jahan <wilcox.jahan@epa.gov> wrote:

Dear Mr. Bechdel –

My name is Jahan Wilcox and I work at the EPA. With the 100 Days of the Trump Administration coming up, we were curious if Need To Know (NTK) news would like to report on the accomplishments of Scott Pruitt and the EPA?

EPA IN ACTION: ACCOMPLISHMENTS WITH PRUITT’S LEADERSHIP

- ✓• **TSCA Implementation:** Clearing the backlog of new chemicals that were waiting for approval from EPA, so they can go to market, and companies can create jobs and continue to innovate.
- ✓• **New Source Performance Standards:** Reviewing the New Source Performance Standards for coal-fired power plants, which prevents companies from building new plants.
- ✓• **Oil and Gas Methane NSPS:** EPA announced a decision to reconsider the Oil and Gas Methane New Source Performance Standards for new and modified sources, delaying a costly compliance requirement.
- ✓• **CPP:** Reviewing the so-called Clean Power Plan that threatens over 125,000 U.S. jobs.
- ✓• **Ozone Standard:** Requested delay of oral arguments on the ozone standard.
- ✓• **ELG Rule:** EPA announced the agency’s decision to review and reconsider the final rule that amends the effluent limitations guidelines and standards for the steam electric power generating category under the Clean Water Act (ELG Rule), which costs an estimated \$480 million annually, and about \$1.2 billion per year in the first five years of compliance.

- ✓• **Hard Rock Mining:** EPA extended the comment period on the Hard Rock Mining proposed rule that could cost American businesses \$171 million annually.
- ✓• **Coal Combustion Residuals (CCR Rule):** EPA expects provide draft guidance to the states on the CCR rule at the end of the month and begin acting on state permit applications this year. CCR rule is estimated to cost power plants between \$500 and \$745 million – per year.
- ✓• **Energy Independence EO:** Following the President’s Energy Independence Executive Order, Administrator Pruitt signed three notices to review and, if appropriate, to revise or rescind major, economically significant, burdensome rules the last Administration issued.
- ✓• **CAFE Standards:** EPA rescinded an unjustified, premature evaluation of greenhouse gas and fuel economy standards for model year 2022-2025 vehicles, and is working with DOT to conduct a collaborative and robust review of the standards. According to the Auto Alliance, “no agency has ever set emission limits so far into the future,” and this puts 1.1 million jobs at risk and cost the industry \$200 billion by 2025 to comply.
- ✓• **WOTUS:** EPA is restoring states’ important role in the regulation of water by reviewing the “Waters of the U.S.” or WOTUS. A rule with a regulatory impact analysis of between \$600 million and \$1.2 billion.
- ✓• **Flint, Michigan:** The Agency is allocating funds for vital environmental projects that go directly to the health of our citizens, such as providing \$100 million to upgrade drinking water infrastructure in Flint, Michigan.
- ✓• **Chlorpyrifos:** EPA denied a petition from the NRDC and the Pesticide Action Network North America, which was seeking a ban on a pesticides used on 40,000 farms and 50 different crops because there was never enough science to justify the ban.
- ✓• **Methane ICR:** We are stopping the methane ICR by telling businesses they no longer have this additional bureaucratic burden, with the cost to American businesses attempting to comply exceeding \$42 million.
- ✓• **Regulatory Reform:** Launched the EPA Regulatory Reform Task Force to undergo extensive reviews of the misaligned regulatory actions from the past administration.
- ✓• **Risk Management Rule (RMP Rule):** EPA delayed the RMP rule to make sure that any additional regulations actually make chemical facilities safer, without duplicating regulations or opening our country up to dangerous national security threats. EPA estimates the RMP rule to cost \$131.8 million annually, or \$1.3 billion over ten years.
- ✓• **Superfund Sites:** We are getting real results at cleaning up Superfund sites, including: East Chicago (IN), West Oakland (CA) and Pompton Lake (NJ). First EPA Administrator to

visit East Chicago site.

- ✓• **Water Infrastructure:** Opened the application process for EPA’s WIFIA program; a low-risk loan for businesses that will provide \$1 billion in credit to finance over \$2 billion in water infrastructure investments.
- ✓• **Meetings with National/International Leaders:** EPA Administrator Scott Pruitt has consulted 22 bipartisan governors, 10 bipartisan members of congress, three foreign leaders, four state agriculture departments, and over a dozen bipartisan organizations.
- ✓• **EPA Originalism:** EPA Administrator Pruitt launched a *Back-to-Basics* agenda, touring a Pennsylvania coal mine, a Missouri power plant, and visiting a contaminated “Superfund” site in E. Chicago, to discuss how EPA is refocusing the agency on its core mission of protecting the environment through sensible regulations developed in cooperation with state, local and tribal partners.
- ✓• **MATS Rule:** Given the broad-reaching economic implications of the Mercury and Air Toxics Rule (MATS rule), we are reviewing the costs of the rule to determine whether it complies with our statutory mandate, abides by sound regulatory principles, and is in line with the pro-jobs, pro-growth directives of this Administration.
- ✓• **Clean Air Act/SSM SIP:** Asked the court to postpone oral arguments over an Obama-era rule making 36 states rework their Clean Air Act compliance plans, or the Start-up, Shutdown and Malfunction (SSM) Emissions requirements set by State Implementation Plans (SIP) issued pursuant to the Clean Air Act and subject to EPA’s federal oversight.

EPA ACCOMPLISHMENTS: THE DETAILS

TSCA Reform Implementation: Clearing out the backlog of ‘new chemical’ pre-manufacture notices (PMNs) that were waiting for EPA approval. Keeps U.S. at the top of chemical innovation

- PMNs awaiting a decision by EPA date back to 2015 – well beyond the basic 90-day review period required by the law.
- The American Chemistry Council (ACC) said they need new chemicals to be approved quickly so they can “offer new product formulations to help U.S. businesses compete and win globally.”
- ACC estimates that innovation contributes to 0.19 percentage points to the overall long-term growth rate in real GDP. A one-tenth acceleration in the growth of the stock of chemistry innovation, could result in real GDP being \$60.6 billion higher in four years, supporting about 250,000 jobs.

NSPS: EPA is reviewing the New Source Performance Standards for Coal-Fired Power Plants.

- Industry and states challenged the legality of NSPS targeting the EPA’s assumptions about carbon capture and sequestration (CCS) technology
- Challengers argue that NSPS makes it nearly impossible to build a new coal-fired power plant without CCS technology, restraining the industry from adding jobs and growth.
- The American Iron and Steel Institute (AISI) applauded action to revise burdensome regulations that undermine the competitiveness of U.S. steel manufacturers. AISI said that regulations such as NSPS “disproportionately impact coal-generated electricity have put the affordability and reliability of electricity for steel producers at risk.”

EPA is also reviewing the Oil and Gas Methane New Source Performance Standards for new and modified sources. Some argue that this rule is wholly unnecessary due to industry reductions in methane and is duplicative of state regulations.

- A notice of review was signed the same day as the Energy Independence Executive Order.
- As a follow-up, EPA issued a notice of reconsideration of the Rule and a delay of costly compliance deadlines to prevent unnecessary expenditures by the industry as the agency considers the rule.
- According to the American Petroleum Institute, the standards would affect “tens of thousands” of new wells each year, and cost up to \$800 million to comply.

Energy Independence Executive Order. Administrator Pruitt signed three notices to pull back and review major, economically significant, burdensome rules the last Administration issued, including: the Clean Power Plan the greenhouse gas rule for new power plants, and an rule to curb methane emissions from oil and gas producers. The Administrator also withdrew the proposed federal implementation plan and model trading rule associated with the Clean Power Plan.

- ☐☐☐☐☐☐☐☐ **Senate Majority Leader Mitch McConnell penned an op-ed in Fox News praising President Trump's energy executive order that will restore sanity after Obama's failed climate policies.** "I commend President Trump for sending this flawed regulatory plan, along with a number of others, back to the drawing board with Tuesday's Energy Independence Executive Order."

- ☐☐☐☐☐☐☐☐ **In New York, the editorial board at the New York Post writes that Trump's executive order will help restore our constitutional system.** "Trump's move not only helps the economy and delivers on a promise, it also takes a step toward restoring America's constitutional system, in which Congress passes laws — not a dictatorial president."

CPP: An executive order was issued to review the so-called Clean Power Plan and EPA sent letters to governors with additional guidance on implementing CPP: former President Obama's most disingenuous environmental initiative and the key component of his agenda regarding climate change.

- ☐☐☐☐☐☐☐☐ The CPP cost \$292 billion to our nation's economy over 10 years and double-digit electricity price increase in 40 states, yet will have no impact on climate change.

- ☐☐☐☐☐☐☐☐ CPP kills over 125,000 American jobs.

- ☐☐☐☐☐☐☐☐ Using the Obama EPA's own data, CPP results in less than 0.2% reduction in CO2 worldwide and will only prevent sea level rise that is equivalent to the thickness of two sheets of paper.

- ☐☐☐☐☐☐☐☐ The National Mining Association (NMA) placed 51 op-eds in 17 states, and conducted about 18 radio interviews in support of the Energy Independence Order.

Requested Delay of Oral Arguments on 2015 Ozone Standards: Justice Department attorneys asked the Court of Appeals for the District of Columbia to delay oral arguments scheduled for later this month in a lawsuit challenging the rule while the EPA reviews the regulation.

- ☐☐☐☐☐☐☐☐ The U.S. Chamber of Commerce says that this rule results in stymied economic development and lost job creation.

- ☐☐☐☐☐☐☐☐ The Chamber says that extending the deadline for implementing the 2015 Ozone Standards would be the most effective way to address implementation problems and would provide immediate relief to businesses, state and localities.

EPA announced the agency’s decision to review and reconsider the final rule that amends the effluent limitations guidelines and standards for the steam electric power generating category under the Clean Water Act (ELG Rule).

- EPA estimates the ELG rule costs an estimated \$480 million annually, with an average cost of \$1.2 billion per year during the first five years of compliance.
- This is one of the most consequential rules affecting power plants and risks putting coal companies out of business.
- According to the National Rural Electric Cooperative Association these standards would especially burden small and medium sized power plants, and the cost of compliance has been significantly underestimated.

Mining Financial Assurance Rule: EPA extended the comment period on the Hard Rock Mining proposed rule that costs American businesses \$171 million annually.

- Following dozens of requests, EPA issued a 120-day extension of the comment period related to proposed financial responsibility requirements for the hard rock mining industry.
 - According to the National Association of Manufacturers (NAM), the rule could require billions of dollars of additional financial assurances for miners of things like gold, silver, iron and copper—critical materials for countless manufactured products. They say this represents billions of dollars that cannot be used for R&D or for economic growth and new jobs.
 - Three House committee chairs sent a letter requesting the extended comment period to provide more time to digest the rule given that it contains more than 2,300 technical documents and, the chairs argued, was crafted with no input from states, industry experts or stakeholders.

CCR (*Coal Combustion Residuals*): EPA expects to issue the draft guidance to the states at the end of the month and begin acting on state permit applications this year.

- EPA estimates the cost of the CCR rule to be between \$500 and \$745 million annually.
- Leading Senators on the Environment and Public Works Committee have

applauded states having their own permitting programs for recycling and reusing coal ash. This provides “needed certainty to industry and businesses, while ensuring the health and safety of families and communities,” according to Senator Shelley Moore Capito R-W.Va.

EPA rescinded a premature evaluation of greenhouse gas and fuel economy standards for model year 2022-2025 vehicles, and is working with DOT to conduct a collaborative and robust review of the standards.

- These standards are costly for automakers and the American people. This thorough review will help ensure that this national program is good for consumers and good for the environment.
- U.S. Rep Joe Barton (R-Texas) said, “You can make a good intellectual case to repeal CAFE and let the market handle it. If Mr. Trump is president...we’ll be back.” And Committee Chairman Fred Upton, R-Mich., said “If done wrong,” the 2025 standards will hurt consumers and carmakers “big time.”
- According to the Auto Alliance, “no agency has ever set emission limits so far into the future,” and this puts 1.1 million jobs at risk and cost the industry \$200 billion by 2025 to comply.

EPA is restoring states’ important role in the regulation of water by reviewing, and if appropriate, revising or rescinding WOTUS.

- The Regulatory Impact Analysis (RIA) for WOTUS is anywhere between \$600 million and \$1.2 billion.
- The American Farm Bureau Federation says this action will help provide transparency for America's farmers and ranchers.
- EPA will propose as a first step to withdraw the WOTUS rule, reverting as an interim measure to familiar 2008 guidance (which represents the *status quo* due to the court stay of WOTUS). EPA will then, in the second step of this two-step process, promulgate a replacement rule. EPA has recently begun federalism/stakeholder outreach to explain this process to the public, states, trade groups, and other organizations.

EPA is making decisions based on public data and science by denying a petition to ban the pesticide chlorpyrifos.

- [REDACTED] EPA denied a petition from the NRDC and the Pesticide Action Network North America, which was asking EPA to ban one of the most widely-used pesticides in the world because there was never enough science to justify the ban.
- [REDACTED] Chlorpyrifos is used today at about 40,000 farms on about 50 different types of crops, ranging from almonds to apples.
- [REDACTED] USDA said the decision was based on sound science and will provide Americans with access to a full range of fruits and vegetables.

Stopping Methane ICR: The EPA sent 15,000 letters to American energy producers telling them they no longer have to respond a letter that EPA sent back in November 2016 at the direction of the previous EPA Administrator.

- [REDACTED] EPA estimated that the cost to American businesses for Pt 1 of the ICR was \$17.9 million and the cost for Pt 2 of the ICR was \$24.5 million, for a total of \$42.4 million. EPA would also have a \$800K annual burden.
- [REDACTED] EPA businesses they no longer have this additional bureaucratic burden, so these companies and the public can save money and move closer, faster to capturing any methane from escaping into the air.

Launched EPA Regulatory Reform Task Force: We are undergoing extensive reviews of the misaligned regulatory actions from the past administration.

- [REDACTED] Industry groups such as the American Coal Council have applauded the administration's efforts to "restore balance and fairness to the regulatory process, support job creation, strengthen energy independence and lay the foundation for rebuilding and sustaining our nation's vital coal industry."
- [REDACTED] Our Regulatory Task Force has scheduled stakeholder meetings and consultations in all major program offices and areas to solicit input on rules that should be revisited or rescinded and those meetings are underway. We have issued a notice soliciting public comment in the Federal Register allowing the general public to weigh in on this process.

Delayed Risk Management Plan (RMP Rule). EPA delayed the RMP rule to ensure that any expansion of the RMP program is necessary to make chemical facilities safer, and doesn't subject facilities to even more burdensome, duplicative and needless regulation.

- [REDACTED] RMP rule estimated to cost \$131.8 million annually, or \$1.3 billion over ten years, according to EPA's own estimates in the [Federal Register document](#) (pg. 4597)

- [REDACTED] Louisiana Attorney General Jeff Landry, leading a coalition of 11 states, filed a Petition for Reconsideration on the RMP rule, explaining “This ill-advised decision subjects facilities to even more burdensome, duplicative, and needless regulation; but it also makes all of us more vulnerable to security threats.”

- [REDACTED] According to a petition filed on behalf of the RMP Coalition, consisting of relevant industry groups, this rule undermines safety, creates significant security risks, and does nothing to further prevent criminal acts that threaten facilities.

Getting real results at Superfund sites.

- [REDACTED] Kicked-off cleanup at West Oakland (CA) Superfund site; celebrated the start-up and installation of a groundwater and soil treatment system at the AMCO Chemical Superfund site.

- [REDACTED] “It is hard to put up with something harmful being there underground, close to your home. It is a relief to know it is going to be gone for good,” said Oakland resident Queen Thurston, who was among a group of protestors that staged rallies calling for an investigation into the environmental condition of the area in the 1990s.

- [REDACTED] Resuming cleanup and removal of contaminated soil from residences at the East Chicago (IN) Superfund site. Reached an agreement with several potentially responsible parties to fund part of the work valued at an estimated \$16 million – in addition to the \$26 million already secured for work under a 2014 consent decree. Worked with State of Indiana to provide funding under State Revolving Loan Fund for drinking water upgrades, water filters, and bottled water.

- [REDACTED] Overseeing the second phase of \$43 million cleanup of Pompton Lake (NJ).

Allocating funds for vital environmental projects that go directly to the health of our citizens.

- [REDACTED] EPA awarded \$100 million to upgrade drinking water in Flint, Michigan.

- [REDACTED] Flint Mayor Karen Weaver expressed gratitude for the funding. “The City of Flint being awarded a grant of this magnitude in such a critical time of need will be a huge benefit,” she said.

- [REDACTED] Committed additional funds surrounding the Gold King Mine release, bringing the total investment to \$29 million.

- Awarded \$380,000 to Dine College for an abandoned uranium mine study in Arizona.

- Awarded a \$1.09 million Diesel Emissions Reduction Act (DERA) grant to the historic Gees Bend Ferry in Wilcox County, Alabama. Provides partial funding to develop the first zero-emission passenger/vehicle ferry of this type in the U.S., and the second in the world.

Opened the application process for EPA’s WIFIA program; a low-risk loan for businesses that will provide \$1 billion in credit to finance over \$2 billion in water infrastructure investments.

- This program helps private companies and commercial developers update infrastructure and invest in local economies, adding jobs through a public-private partnership.

- The program was so popular, we received 43 letters of interest, seeking \$5.4 billion in credit assistance.

- American Water Works Association members stressed that WIFIA, which makes available low-interest federal loans for large water projects, represents the perfect balance between federal assistance and local responsibility. WIFIA is being funded for the first time in 2017 at a level of \$20M, which can leverage \$1B in loans.

Since sworn in on February 17, Administrator Pruitt has met with 21 bipartisan governors, seven bipartisan Members of Congress, three leaders from other countries and over a dozen bipartisan and nonprofit organizations.

- "Canada and the U.S. can work together on a continental approach to energy and the environment that focuses on technological innovation like CCS and clean coal initiatives without tax and regulatory policies that cost jobs," said Saskatchewan Premier Brad Wall.

- “[Administrator Pruitt] clearly understands the EPA’s proper role in government – educating and empowering, not proscribing and punishing. It’s also refreshing to have a federal agency actually listen to a state’s concerns,” said Idaho Governor Butch Otter.

EPA Administrator Pruitt launched a *Back-to-Basics* agenda, touring a Pennsylvania

coal mine, a Missouri power plant, and visiting a contaminated Superfund site in E. Chicago.

- As first EPA Administrator to visit the USS Lead Superfund site in East Chicago, which was listed on the National Priorities List of the worst contaminated sites in the country in 2009.
- Barbara Bolling-Williams, state president of the Indiana branch of the NAACP, said she is cautiously optimistic following Pruitt's visit to E. Chicago.
- “This is a historic event for the state of Missouri and electric cooperatives. This is the first time that an administrator of the [EPA] has actually come to one of our energy plants in Missouri to view some of the things that we’ve done as electric cooperatives as far as our environmental stewardship record,” says Barry Hart with the Association of Missouri Electric Cooperatives (AMEC).
- “We welcome Administrator Pruitt to Southwestern Pennsylvania and are very encouraged by the new Administration’s commonsense approach in balancing the need for environmental protection, energy development and economic growth,” said Jimmy Brock, CEO of CNX Coal Resources.

Given the broad-reaching economic implications of the Mercury and Air Toxics Rule (MATS rule), we are reviewing the costs of the rule to determine whether it is in line with the pro-jobs, pro-growth directives of this Administration.

- States and energy companies will no doubt celebrate the EPA’s reviewing of MATS, seeing it as the next step in the Trump administration’s plan to cut most federal regulations imposed during the Obama administration ... MATS has probably had the biggest impact on coal-fired power plants of any EPA regulation. A record nearly 14 gigawatts of coal-fired power was shut down in 2015 — the first year MATS went into effect.
- Industry groups such as the National Mining Association have long opposed the rule, saying that it has been responsible for shutting down numerous coal-fired power plants and eliminating jobs. “The Mercury and Air Toxics Standards has already had far-reaching and costly impacts not only on our industry but on many states and their citizens whose assurance of reliable electricity supply has been cast in doubt by this rule,” the group has argued. “EPA’s rule reflects a stunningly unbalanced approach to regulation. The agency decided to impose expensive standards for certain emissions that it never found posed a threat to public health.”

Asked the court to postpone oral arguments over an Obama-era rule making 36 states rework their Clean Air Act compliance plans, or the Start-up, Shutdown and Malfunction (SSM) Emissions requirements set by State Implementation Plans (SIP)

issued pursuant to the Clean Air Act and subject to EPA’s federal oversight.

- The 2015 rule, SSM SIP call, made 36 states rewrite their plans to comply with the Clean Air Act, to remove shields for power plants and refineries emitting extra pollutants during startup, shutdown or malfunctions.
- Florida Attorney General Pam Bondi said that the EPA’s final rule is a “heavy-handed federal overreach [that] threatens to upend a system that the EPA has approved multiple times.” She said that the EPA’s “imprudent rush to settle the matter has led the agency to adopt an illegal final rule that is in conflict with the Clean Air Act and imposes on Florida’s right to determine the most effective strategy for achieving air quality standards.”
- In an opening brief, filers said the agency is improperly attempting to expand its authority. The brief was filed by a broad coalition of energy companies, utilities and industry organizations, along with several states and state agencies asking the D.C. Circuit to strike down an Obama-EPA requirement that 36 states revise emissions exemptions related to startup, shutdown and malfunction events.

Jahan Wilcox
EPA
Strategic Communications Advisor
Work Cell: Ex. 6 - Personal Privacy
Work Email: wilcox.jahan@epa.gov

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Jeff Bechdel
NTK Network
jbechdel@ntknetwork.com

To: Wilcox, Jahan[wilcox.jahan@epa.gov]
From: Jeff Bechdel
Sent: Thur 4/27/2017 7:41:25 PM
Subject: Re: DRAFT ...

We pulled a post together, based on some of this info and other stories out there. Let me know if you have any questions: <http://ntknetwork.com/how-scott-pruitt-is-reshaping-the-epa-in-the-first-100-days/>

On Thu, Apr 27, 2017 at 1:28 PM, Wilcox, Jahan <wilcox.jahan@epa.gov> wrote:

Also below are a few additional bullets ...

GEARING UP FOR DAY 100: Energy and environmental issues offer perhaps the most concrete accomplishments for President Donald Trump to point to as he nears the 100-day mark of his presidency. He's signed four energy-related resolutions wiping out Obama-era rules, put in place Cabinet officials dedicated to rolling back other regulations and unleashed a steady stream of executive orders and photo ops designed to reach his promise of U.S. energy independence. But whether any of this turns into a lasting legacy for Trump largely depends on what happens from here. His Cabinet lacks the political staff to follow up on his efforts undo rules like EPA's Clean Power Plan and Waters of the U.S., and there will be years of litigation over every move undoing regulations on the books. And his actions appear to have awoken scores of citizens opposed to his environmental deregulatory agenda (see below). More to come on this front as we near the actual date later this week. (Politico's Morning Energy, 04/24/17)

An executive order was issued to rescind WOTUS. "President Trump and EPA Administrator Scott Pruitt issued an executive order to rescind or revise the 2015 Clean Water Rule: Definition of 'Waters of the United States.'" ([Press Release](#), 02/28/17)

An executive order was issued to rescind the so-called Clean Power Plan. "Today, at the Environmental Protection Agency surrounded by American energy workers, public employees and members of Congress, President Donald Trump signed the Energy Independence Executive Order to protect thousands of jobs and strengthen energy security, while also ensuring that our policies provide clean air and clean water for all of our citizens." ([Press Release](#), 03/28/17)

EPA Administrator Scott Pruitt toured lead-contaminated areas in East Chicago.

"During Pruitt's visit, his first to a Superfund site since being appointed administrator, he toured the Calumet neighborhood, met with local, state and federal officials, and talked with residents and community members about how the lead and arsenic contamination has affected their lives. 'The reason I'm here is that it's important that we restore confidence to people here in this community that we're going to get it right,' Pruitt said. The EPA's objective is to come in and make sure people's health is protected, and that their land and health are secure in the long run, Pruitt said. 'We're committed to doing that,' Pruitt said." ([Chicago Tribune](#), 04/19/17)

The NAACP praised Pruitt for visiting the East Chicago Superfund Site and said they are cautiously optimistic about the EPA's Administrator. "It was the first superfund site EPA Administrator Scott Pruitt has visited -- making a trip there Wednesday -- and the agency said he was the first administrator to visit this particular site. Pruitt visited "to discuss cleanup and hear directly from East Chicago residents affected by contamination in their community," the agency said in a press release. At a press conference, local officials praised Pruitt for visiting the site ... Barbara Bolling-Williams, state president of the Indiana branch of the NAACP, said she is cautiously optimistic following Pruitt's visit." (CNN, 04/19/17)

EPA awarded \$100 million to upgrade drinking water in Flint, Michigan. "The U.S. Environmental Protection Agency (EPA) today awarded a \$100 million grant to the Michigan Department of Environmental Quality to fund drinking water infrastructure upgrades in Flint, Mich." (Press Release, 03/17/17)

EPA committed additional funds surround the Gold King Mine release, bringing the total to \$29 million. "The U.S. Environmental Protection Agency (EPA) has provided over \$90,000 in additional reimbursements to five entities in Colorado and Utah for their costs incurred responding to the August 5, 2015, Gold King Mine release." (Press Release, 03/16/17)

EPA to reexamine emission standards for cars and light duty trucks. "These standards are costly for automakers and the American people," said EPA Administrator Scott Pruitt. "We will work with our partners at DOT to take a fresh look to determine if this approach is realistic. This thorough review will help ensure that this national program is good for consumers and good for the environment." (Press Release, 03/15/17)

EPA Administrator seeks additional time to review RMP Rule. "Administrator Scott Pruitt signed a proposed rule this week to further delay the effective date of EPA's Risk Management Program (RMP) Amendments to allow EPA time to complete the process for reconsidering the RMP Amendments issued on January 17, 2017." (Press Release, 03/31/17)

EPA extended the comment period on the Hard Rock Mining proposed rule that could cost businesses \$171 million annually. "The Environmental Protection Agency today issued a 120-day extension of the comment period related to proposed financial responsibility requirements for the hard rock mining industry. The Agency has received dozens of requests to extend the comment period. EPA estimates predict the implementation of these requirements would cost American businesses up to \$171 million a year." (Press Release, 02/24/17)

The EPA kicks-off cleanup at the West Oakland Superfund site. "[The EPA] joined local leaders and community members in Oakland to celebrate the installation and start-up of a new groundwater and soil treatment system at the AMCO Chemical Superfund Site." (Press Release, 03/18/17)

The EPA will resume cleanup at the East Chicago Superfund site. “The U.S. Environmental Protection Agency (EPA) is preparing to resume cleanup work in zones 2 and 3 of the USS Lead Superfund site in East Chicago in April. EPA has reached an agreement with several potentially responsible parties to fund part of this work valued at an estimated \$16 million -- in addition to the \$26 million already secured for work under a 2014 consent decree.” ([Press Release](#), 03/20/17)

EPA set to oversee second phase of \$43 million cleanup of Pompton Lake. “The second phase of Pompton Lake cleanup will begin this spring and the U.S. Environmental Protection Agency (EPA) is holding a public session to discuss that work.” ([Press Release](#), 03/28/17)

From: Wilcox, Jahan
Sent: Thursday, April 27, 2017 1:20 PM
To: 'jbechdel@ntknetwork.com' <jbechdel@ntknetwork.com>
Subject: DRAFT ...

Dear Mr. Bechdel –

My name is Jahan Wilcox and I work at the EPA. With the 100 Days of the Trump Administration coming up, we were curious if Need To Know (NTK) news would like to report on the accomplishments of Scott Pruitt and the EPA?

EPA IN ACTION: ACCOMPLISHMENTS WITH PRUITT’S LEADERSHIP

- ✓• **TSCA Implementation:** Clearing the backlog of new chemicals that were waiting for approval from EPA, so they can go to market, and companies can create jobs and continue to innovate.
- ✓• **New Source Performance Standards:** Reviewing the New Source Performance Standards for coal-fired power plants, which prevents companies from building new plants.
- ✓• **Oil and Gas Methane NSPS:** EPA announced a decision to reconsider the Oil and Gas Methane New Source Performance Standards for new and modified sources, delaying a costly compliance requirement.

- ✓• **CPP:** Reviewing the so-called Clean Power Plan that threatens over 125,000 U.S. jobs.
- ✓• **Ozone Standard:** Requested delay of oral arguments on the ozone standard.
- ✓• **ELG Rule:** EPA announced the agency’s decision to review and reconsider the final rule that amends the effluent limitations guidelines and standards for the steam electric power generating category under the Clean Water Act (ELG Rule), which costs an estimated \$480 million annually, and about \$1.2 billion per year in the first five years of compliance.
- ✓• **Hard Rock Mining:** EPA extended the comment period on the Hard Rock Mining proposed rule that could cost American businesses \$171 million annually.
- ✓• **Coal Combustion Residuals (CCR Rule):** EPA expects provide draft guidance to the states on the CCR rule at the end of the month and begin acting on state permit applications this year. CCR rule is estimated to cost power plants between \$500 and \$745 million – per year.
- ✓• **Energy Independence EO:** Following the President’s Energy Independence Executive Order, Administrator Pruitt signed three notices to review and, if appropriate, to revise or rescind major, economically significant, burdensome rules the last Administration issued.
- ✓• **CAFE Standards:** EPA rescinded an unjustified, premature evaluation of greenhouse gas and fuel economy standards for model year 2022-2025 vehicles, and is working with DOT to conduct a collaborative and robust review of the standards. According to the Auto Alliance, “no agency has ever set emission limits so far into the future,” and this puts 1.1 million jobs at risk and cost the industry \$200 billion by 2025 to comply.
- ✓• **WOTUS:** EPA is restoring states’ important role in the regulation of water by reviewing the “Waters of the U.S.” or WOTUS. A rule with a regulatory impact analysis of between \$600 million and \$1.2 billion.
- ✓• **Flint, Michigan:** The Agency is allocating funds for vital environmental projects that go directly to the health of our citizens, such as providing \$100 million to upgrade drinking water infrastructure in Flint, Michigan.
- ✓• **Chlorpyrifos:** EPA denied a petition from the NRDC and the Pesticide Action Network North America, which was seeking a ban on a pesticides used on 40,000 farms and 50 different crops because there was never enough science to justify the ban.
- ✓• **Methane ICR:** We are stopping the methane ICR by telling businesses they no longer have this additional bureaucratic burden, with the cost to American businesses attempting to comply exceeding \$42 million.

- ✓• **Regulatory Reform:** Launched the EPA Regulatory Reform Task Force to undergo extensive reviews of the misaligned regulatory actions from the past administration.
- ✓• **Risk Management Rule (RMP Rule):** EPA delayed the RMP rule to make sure that any additional regulations actually make chemical facilities safer, without duplicating regulations or opening our country up to dangerous national security threats. EPA estimates the RMP rule to cost \$131.8 million annually, or \$1.3 billion over ten years.
- ✓• **Superfund Sites:** We are getting real results at cleaning up Superfund sites, including: East Chicago (IN), West Oakland (CA) and Pompton Lake (NJ). First EPA Administrator to visit East Chicago site.
- ✓• **Water Infrastructure:** Opened the application process for EPA's WIFIA program; a low-risk loan for businesses that will provide \$1 billion in credit to finance over \$2 billion in water infrastructure investments.
- ✓• **Meetings with National/International Leaders:** EPA Administrator Scott Pruitt has consulted 22 bipartisan governors, 10 bipartisan members of congress, three foreign leaders, four state agriculture departments, and over a dozen bipartisan organizations.
- ✓• **EPA Originalism:** EPA Administrator Pruitt launched a *Back-to-Basics* agenda, touring a Pennsylvania coal mine, a Missouri power plant, and visiting a contaminated "Superfund" site in E. Chicago, to discuss how EPA is refocusing the agency on its core mission of protecting the environment through sensible regulations developed in cooperation with state, local and tribal partners.
- ✓• **MATS Rule:** Given the broad-reaching economic implications of the Mercury and Air Toxics Rule (MATS rule), we are reviewing the costs of the rule to determine whether it complies with our statutory mandate, abides by sound regulatory principles, and is in line with the pro-jobs, pro-growth directives of this Administration.
- ✓• **Clean Air Act/SSM SIP:** Asked the court to postpone oral arguments over an Obama-era rule making 36 states rework their Clean Air Act compliance plans, or the Start-up, Shutdown and Malfunction (SSM) Emissions requirements set by State Implementation Plans (SIP) issued pursuant to the Clean Air Act and subject to EPA's federal oversight.

EPA ACCOMPLISHMENTS: THE DETAILS

TSCA Reform Implementation: Clearing out the backlog of 'new chemical' pre-manufacture notices (PMNs) that were waiting for EPA approval. Keeps U.S. at the top of chemical innovation

- PMNs awaiting a decision by EPA date back to 2015 – well beyond the basic

90-day review period required by the law.

- [REDACTED] The American Chemistry Council (ACC) said they need new chemicals to be approved quickly so they can “offer new product formulations to help U.S. businesses compete and win globally.”
- [REDACTED] ACC estimates that innovation contributes to 0.19 percentage points to the overall long-term growth rate in real GDP. A one-tenth acceleration in the growth of the stock of chemistry innovation, could result in real GDP being \$60.6 billion higher in four years, supporting about 250,000 jobs.

NSPS: EPA is reviewing the New Source Performance Standards for Coal-Fired Power Plants.

- [REDACTED] Industry and states challenged the legality of NSPS targeting the EPA’s assumptions about carbon capture and sequestration (CCS) technology
- [REDACTED] Challengers argue that NSPS makes it nearly impossible to build a new coal-fired power plant without CCS technology, restraining the industry from adding jobs and growth.
- [REDACTED] The American Iron and Steel Institute (AISI) applauded action to revise burdensome regulations that undermine the competitiveness of U.S. steel manufacturers. AISI said that regulations such as NSPS “disproportionately impact coal-generated electricity have put the affordability and reliability of electricity for steel producers at risk.”

EPA is also reviewing the Oil and Gas Methane New Source Performance Standards for new and modified sources. Some argue that this rule is wholly unnecessary due to industry reductions in methane and is duplicative of state regulations.

- [REDACTED] A notice of review was signed the same day as the Energy Independence Executive Order.
- [REDACTED] As a follow-up, EPA issued a notice of reconsideration of the Rule and a delay of costly compliance deadlines to prevent unnecessary expenditures by the industry as the agency considers the rule.
- [REDACTED] According to the American Petroleum Institute, the standards would affect “tens of thousands” of new wells each year, and cost up to \$800 million to comply.

Energy Independence Executive Order. Administrator Pruitt signed three notices to pull back and review major, economically significant, burdensome rules the last Administration issued, including: the Clean Power Plan the greenhouse gas rule for new power plants, and an rule to curb methane emissions from oil and gas producers. The Administrator also withdrew the proposed federal implementation plan and model trading rule associated with the Clean Power Plan.

- Senators praise President Trump's energy executive order that will restore sanity after Obama's failed climate policies.** “I commend President Trump for sending this flawed regulatory plan, along with a number of others, back to the drawing board with Tuesday’s Energy Independence Executive Order.”

- In New York, the editorial board at the New York Post writes that Trump’s executive order will help restore our constitutional system.** “Trump’s move not only helps the economy and delivers on a promise, it also takes a step toward restoring America’s constitutional system, in which Congress passes laws — not a dictatorial president.”

CPP: An executive order was issued to review the so-called Clean Power Plan and EPA sent letters to governors with additional guidance on implementing CPP: former President Obama's most disingenuous environmental initiative and the key component of his agenda regarding climate change.

- The CPP cost \$292 billion to our nation's economy over 10 years and double-digit electricity price increase in 40 states, yet will have no impact on climate change.**

- CPP kills over 125,000 American jobs.**

- Using the Obama EPA's own data, CPP results in less than 0.2% reduction in CO2 worldwide and will only prevent sea level rise that is equivalent to the thickness of two sheets of paper.**

- The National Mining Association (NMA) placed 51 op-eds in 17 states, and conducted about 18 radio interviews in support of the Energy Independence Order.**

Requested Delay of Oral Arguments on 2015 Ozone Standards: Justice Department attorneys asked the Court of Appeals for the District of Columbia to delay oral arguments

scheduled for later this month in a lawsuit challenging the rule while the EPA reviews the regulation.

- The U.S. Chamber of Commerce says that this rule results in stymied economic development and lost job creation.

- The Chamber says that extending the deadline for implementing the 2015 Ozone Standards would be the most effective way to address implementation problems and would provide immediate relief to businesses, state and localities.

EPA announced the agency's decision to review and reconsider the final rule that amends the effluent limitations guidelines and standards for the steam electric power generating category under the Clean Water Act (ELG Rule).

- EPA estimates the ELG rule costs an estimated \$480 million annually, with an average cost of \$1.2 billion per year during the first five years of compliance.

- This is one of the most consequential rules affecting power plants and risks putting coal companies out of business.

- According to the National Rural Electric Cooperative Association these standards would especially burden small and medium sized power plants, and the cost of compliance has been significantly underestimated.

Mining Financial Assurance Rule: EPA extended the comment period on the Hard Rock Mining proposed rule that costs American businesses \$171 million annually.

- Following dozens of requests, EPA issued a 120-day extension of the comment period related to proposed financial responsibility requirements for the hard rock mining industry.

- According to the National Association of Manufacturers (NAM), the rule could require billions of dollars of additional financial assurances for miners of things like gold, silver, iron and copper—critical materials for countless manufactured products. They say this represents billions of dollars that cannot be used for R&D or for economic growth and new jobs.

- Three House committee chairs sent a letter requesting the extended comment period to provide more time to digest the rule given that it contains more than 2,300 technical documents and, the chairs argued, was crafted with no input from states, industry experts or stakeholders.

CCR (Coal Combustion Residuals): EPA expects to issue the draft guidance to the states at the end of the month and begin acting on state permit applications this year.

- EPA estimates the cost of the CCR rule to be between \$500 and \$745 million annually.

- Leading Senators on the Environment and Public Works Committee have applauded states having their own permitting programs for recycling and reusing coal ash. This provides “needed certainty to industry and businesses, while ensuring the health and safety of families and communities,” according to Senator Shelley Moore Capito R-W.Va.

EPA rescinded a premature evaluation of greenhouse gas and fuel economy standards for model year 2022-2025 vehicles, and is working with DOT to conduct a collaborative and robust review of the standards.

- These standards are costly for automakers and the American people. This thorough review will help ensure that this national program is good for consumers and good for the environment.

- U.S. Rep Joe Barton (R-Texas) said, “You can make a good intellectual case to repeal CAFE and let the market handle it. If Mr. Trump is president...we’ll be back.” And Committee Chairman Fred Upton, R-Mich., said “If done wrong,” the 2025 standards will hurt consumers and carmakers “big time.”

- According to the Auto Alliance, “no agency has ever set emission limits so far into the future,” and this puts 1.1 million jobs at risk and cost the industry \$200 billion by 2025 to comply.

EPA is restoring states’ important role in the regulation of water by reviewing, and if appropriate, revising or rescinding WOTUS.

- The Regulatory Impact Analysis (RIA) for WOTUS is anywhere between \$600 million and \$1.2 billion.

- The American Farm Bureau Federation says this action will help provide transparency for America's farmers and ranchers.

- EPA will propose as a first step to withdraw the WOTUS rule, reverting as an interim measure to familiar 2008 guidance (which represents the *status quo* due to the court

stay of WOTUS). EPA will then, in the second step of this two-step process, promulgate a replacement rule. EPA has recently begun federalism/stakeholder outreach to explain this process to the public, states, trade groups, and other organizations.

EPA is making decisions based on public data and science by denying a petition to ban the pesticide chlorpyrifos.

- ☐ ☐ ☐ ☐ ☐ ☐ ☐ EPA denied a petition from the NRDC and the Pesticide Action Network North America, which was asking EPA to ban one of the most widely-used pesticides in the world because there was never enough science to justify the ban.
- ☐ ☐ ☐ ☐ ☐ ☐ ☐ Chlorpyrifos is used today at about 40,000 farms on about 50 different types of crops, ranging from almonds to apples.
- ☐ ☐ ☐ ☐ ☐ ☐ ☐ USDA said the decision was based on sound science and will provide Americans with access to a full range of fruits and vegetables.

Stopping Methane ICR: The EPA sent 15,000 letters to American energy producers telling them they no longer have to respond a letter that EPA sent back in November 2016 at the direction of the previous EPA Administrator.

- ☐ ☐ ☐ ☐ ☐ ☐ ☐ EPA estimated that the cost to American businesses for Pt 1 of the ICR was \$17.9 million and the cost for Pt 2 of the ICR was \$24.5 million, for a total of \$42.4 million. EPA would also have a \$800K annual burden.
- ☐ ☐ ☐ ☐ ☐ ☐ ☐ EPA businesses they no longer have this additional bureaucratic burden, so these companies and the public can save money and move closer, faster to capturing any methane from escaping into the air.

Launched EPA Regulatory Reform Task Force: We are undergoing extensive reviews of the misaligned regulatory actions from the past administration.

- ☐ ☐ ☐ ☐ ☐ ☐ ☐ Industry groups such as the American Coal Council have applauded the administration's efforts to "restore balance and fairness to the regulatory process, support job creation, strengthen energy independence and lay the foundation for rebuilding and sustaining our nation's vital coal industry."
- ☐ ☐ ☐ ☐ ☐ ☐ ☐ Our Regulatory Task Force has scheduled stakeholder meetings and consultations in all major program offices and areas to solicit input on rules that should be revisited or rescinded and those meetings are underway. We have issued a notice soliciting public comment in the Federal Register allowing the general public to weigh in on this process.

Delayed Risk Management Plan (RMP Rule). EPA delayed the RMP rule to ensure that any expansion of the RMP program is necessary to make chemical facilities safer, and doesn't subject facilities to even more burdensome, duplicative and needless regulation.

- RMP rule estimated to cost \$131.8 million annually, or \$1.3 billion over ten years, according to EPA's own estimates in the [Federal Register document](#) (pg. 4597)
- Louisiana Attorney General Jeff Landry, leading a coalition of 11 states, filed a Petition for Reconsideration on the RMP rule, explaining "This ill-advised decision subjects facilities to even more burdensome, duplicative, and needless regulation; but it also makes all of us more vulnerable to security threats."
- According to a petition filed on behalf of the RMP Coalition, consisting of relevant industry groups, this rule undermines safety, creates significant security risks, and does nothing to further prevent criminal acts that threaten facilities.

Getting real results at Superfund sites.

- Kicked-off cleanup at West Oakland (CA) Superfund site; celebrated the start-up and installation of a groundwater and soil treatment system at the AMCO Chemical Superfund site.
- "It is hard to put up with something harmful being there underground, close to your home. It is a relief to know it is going to be gone for good," said Oakland resident Queen Thurston, who was among a group of protestors that staged rallies calling for an investigation into the environmental condition of the area in the 1990s.
- Resuming cleanup and removal of contaminated soil from residences at the East Chicago (IN) Superfund site. Reached an agreement with several potentially responsible parties to fund part of the work valued at an estimated \$16 million – in addition to the \$26 million already secured for work under a 2014 consent decree. Worked with State of Indiana to provide funding under State Revolving Loan Fund for drinking water upgrades, water filters, and bottled water.
- Overseeing the second phase of \$43 million cleanup of Pompton Lake (NJ).

Allocating funds for vital environmental projects that go directly to the health of our citizens.

- ☐ ☐ ☐ ☐ ☐ ☐ EPA awarded \$100 million to upgrade drinking water in Flint, Michigan.
- ☐ ☐ ☐ ☐ ☐ ☐ Flint Mayor Karen Weaver expressed gratitude for the funding. “The City of Flint being awarded a grant of this magnitude in such a critical time of need will be a huge benefit,” she said.
- ☐ ☐ ☐ ☐ ☐ ☐ Committed additional funds surrounding the Gold King Mine release, bringing the total investment to \$29 million.
- ☐ ☐ ☐ ☐ ☐ ☐ Awarded \$380,000 to Dine College for an abandoned uranium mine study in Arizona.
- ☐ ☐ ☐ ☐ ☐ ☐ Awarded a \$1.09 million Diesel Emissions Reduction Act (DERA) grant to the historic Gees Bend Ferry in Wilcox County, Alabama. Provides partial funding to develop the first zero-emission passenger/vehicle ferry of this type in the U.S., and the second in the world.

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- ☐ ☐ ☐ ☐ ☐ ☐ This program helps private companies and commercial developers update infrastructure and invest in local economies, adding jobs through a public-private partnership.
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- [REDACTED] “[Administrator Pruitt] clearly understands the EPA’s proper role in government – educating and empowering, not proscribing and punishing. It’s also refreshing to have a federal agency actually listen to a state’s concerns,” said Idaho Governor Butch Otter.

EPA Administrator Pruitt launched a *Back-to-Basics* agenda, touring a Pennsylvania coal mine, a Missouri power plant, and visiting a contaminated Superfund site in E. Chicago.

- [REDACTED] As first EPA Administrator to visit the USS Lead Superfund site in East Chicago, which was listed on the National Priorities List of the worst contaminated sites in the country in 2009.

- [REDACTED] Barbara Bolling-Williams, state president of the Indiana branch of the NAACP, said she is cautiously optimistic following Pruitt's visit to E. Chicago.

- [REDACTED] “This is a historic event for the state of Missouri and electric cooperatives. This is the first time that an administrator of the [EPA] has actually come to one of our energy plants in Missouri to view some of the things that we’ve done as electric cooperatives as far as our environmental stewardship record,” says Barry Hart with the Association of Missouri Electric Cooperatives (AMEC).

- [REDACTED] “We welcome Administrator Pruitt to Southwestern Pennsylvania and are very encouraged by the new Administration’s commonsense approach in balancing the need for environmental protection, energy development and economic growth,” said Jimmy Brock, CEO of CNX Coal Resources.

Given the broad-reaching economic implications of the Mercury and Air Toxics Rule (MATS rule), we are reviewing the costs of the rule to determine whether it is in line with the pro-jobs, pro-growth directives of this Administration.

- [REDACTED] States and energy companies will no doubt celebrate the EPA’s reviewing of MATS, seeing it as the next step in the Trump administration’s plan to cut most federal regulations imposed during the Obama administration ... MATS has probably had the biggest impact on coal-fired power plants of any EPA regulation. A record nearly 14 gigawatts of coal-fired power was shut down in 2015 — the first year MATS went into effect.

- [REDACTED] Industry groups such as the National Mining Association have long opposed the rule, saying that it has been responsible for shutting down numerous coal-fired power plants and eliminating jobs. “The Mercury and Air Toxics Standards has already had far-reaching and costly impacts not only on our industry but on many states and their citizens whose assurance of reliable electricity supply has been cast in doubt by this rule,” the group

has argued. “EPA’s rule reflects a stunningly unbalanced approach to regulation. The agency decided to impose expensive standards for certain emissions that it never found posed a threat to public health.”

Asked the court to postpone oral arguments over an Obama-era rule making 36 states rework their Clean Air Act compliance plans, or the Start-up, Shutdown and Malfunction (SSM) Emissions requirements set by State Implementation Plans (SIP) issued pursuant to the Clean Air Act and subject to EPA’s federal oversight.

- The 2015 rule, SSM SIP call, made 36 states rewrite their plans to comply with the Clean Air Act, to remove shields for power plants and refineries emitting extra pollutants during startup, shutdown or malfunctions.
- Florida Attorney General Pam Bondi said that the EPA’s final rule is a “heavy-handed federal overreach [that] threatens to upend a system that the EPA has approved multiple times.” She said that the EPA’s “imprudent rush to settle the matter has led the agency to adopt an illegal final rule that is in conflict with the Clean Air Act and imposes on Florida’s right to determine the most effective strategy for achieving air quality standards.”
- In an opening brief, filers said the agency is improperly attempting to expand its authority. The brief was filed by a broad coalition of energy companies, utilities and industry organizations, along with several states and state agencies asking the D.C. Circuit to strike down an Obama-EPA requirement that 36 states revise emissions exemptions related to startup, shutdown and malfunction events.

Jahan Wilcox
EPA
Strategic Communications Advisor
Work Cell: Ex. 6 - Personal Privacy
Work Email: wilcox.jahan@epa.gov

--
Jeff Bechdel
NTK Network
jbechdel@ntknetwork.com

To: Kevin Bogardus[kbogardus@eenews.net]
From: wilcox.jahan@epa.gov
Sent: Fri 12/22/2017 7:03:33 PM
Subject: Merry Christmas Pal

This will be going out at 3:30. You are welcome to write on the release below now if you want.

Jahan

Begin forwarded message:

From: "EPA Press Office" <press@epa.gov>
Date: December 22, 2017 at 1:03:11 PM EST
To: "wilcox.jahan@epa.gov" <wilcox.jahan@epa.gov>
Subject: EPA Advances Cooperative Federalism Through Designation Process for Sulfur Dioxide and Ozone Standards - Preview
Reply-To: press@epa.gov

EPA Advances Cooperative Federalism Through Designation Process for Sulfur Dioxide and Ozone Standards

EPA Advances Cooperative Federalism Through Designation Process for Sulfur Dioxide and Ozone Standards

WASHINGTON (December 22, 2017) – The U.S. Environmental Protection Agency (EPA) is taking the next steps in the Clean Air Act process to determine which areas of the country meet national air quality standards for ground-level ozone and sulfur dioxide. In November 2017, the Agency designated the vast majority of U.S. counties as meeting the air quality standards set by EPA's 2015 National Ambient Air Quality Standards (NAAQS) for ozone. EPA is responding to state and tribal recommendations for ozone designations for the remaining areas and providing additional opportunities for state, tribal, and public input on those areas' designations. The Agency is also finalizing designations for certain areas for the 2010 sulfur dioxide NAAQS.

"Cooperative federalism is key to maintaining clean air," said **EPA Administrator Scott Pruitt**. "Largely due to work by the states and new technological advances by the private sector, monitored levels of SO₂ have dropped 85 percent and levels of ozone have decreased 22 percent nationwide since 1990. I am encouraged by the progress we've made and will continue working alongside states, tribes, and localities to determine the best methods to meet air quality standards."

This action on sulfur dioxide is the third of four rounds of final designations. These designations reflect progress for sulfur dioxide, as only six areas have been designated "nonattainment" with the 2010 standard. Only 50 areas remain to be designated for sulfur dioxide in the fourth and final round. For these areas, EPA is supporting the decision by states to install and operate new monitors, so they can gather three full calendar years of data to inform a designation by the end of 2020. Additional information on this action is available at: <https://www.epa.gov/sulfur-dioxide-designations>.

With respect to ozone standards last updated in 2015, EPA today, in accordance with the Clean Air Act, sent letters to states to start a 120-day period for states and tribes to provide more information with regard to their suggested designations of certain areas where further analysis and dialogue may be needed. While not required to seek public comment during the 120-day period, EPA will also be opening a 30-day comment period for the public to provide input on these designations before they are finalized. The Agency acknowledges the importance of background ozone outside the control of state and tribal air agencies. These designations employ the limited tools for regulatory relief for state and tribal air agencies to address background ozone, including: the exclusion of data that result from 'exceptional events,' the use of rural transport areas, and appropriately tailored nonattainment area boundaries for sites minimally impacted by nearby sources. EPA looks forward to working with its state, local, and tribal government partners to fulfill the Congressional design of protecting public health through cooperative federalism. Additional information on this action is available at: <https://www.epa.gov/ozone-designations>

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U.S. Environmental Protection Agency
1200 Pennsylvania Avenue Northwest
Washington, D.C. 20004

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To: Wilcox, Jahan[wilcox.jahan@epa.gov]
From: Jennifer A. Dlouhy (BLOOMBERG/ WASHINGTON)
Sent: Thur 6/15/2017 2:44:25 PM
Subject: Re:Hey Jennifer
Budget Testimony.pdf

Thank you!

----- Original Message -----

From: Jahan Wilcox <wilcox.jahan@epa.gov>
To: JENNIFER A. DLOUHY
At: 15-Jun-2017 10:42:51

This is embargoed until 11:00 AM ET. Attached is Pruitt's testimony that he will give this morning.

Jahan Wilcox
EPA
Strategic Communications Advisor
Work Cell Ex. 6 - Personal Privacy
Work Email: wilcox.jahan@epa.gov

To: Bennett, Tate[Bennett.Tate@epa.gov]
Cc: Wilcox, Jahan[wilcox.jahan@epa.gov]
From: Judd Deere
Sent: Wed 6/7/2017 4:43:25 PM
Subject: RE: FOR APPROVAL: WTAS: About The EPA'S Decision To Delay Implementation of the 2015 Ozone Standards - Preview

Thanks, Tate and Jahan!

From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
Sent: Wednesday, June 07, 2017 11:04 AM
To: Judd Deere
Cc: Wilcox, Jahan
Subject: Re: FOR APPROVAL: WTAS: About The EPA'S Decision To Delay Implementation of the 2015 Ozone Standards - Preview

Yes! Adding Jahan to fix that

On Jun 7, 2017, at 12:00 PM, Judd Deere <judd.deere@arkansasag.gov> wrote:

Great. Ours is going through final approval right now. Will share ASAP.

Could you get me added to the EPA's press list?

From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
Sent: Wednesday, June 07, 2017 10:58 AM
To: Bennett, Tate
Subject: Fwd: FOR APPROVAL: WTAS: About The EPA'S Decision To Delay Implementation of the 2015 Ozone Standards - Preview

We are doing another one of these this afternoon if your bosses want to send us any quotes.

From: EPA Press Office [mailto:press=epa.gov@cmail19.com] **On Behalf Of** EPA

Press Office

Sent: Wednesday, June 7, 2017 10:18 AM

To: Wilcox, Jahan <wilcox.jahan@epa.gov>

Subject: WTAS: About The EPA'S Decision To Delay Implementation of the 2015 Ozone Standards - Preview

WHAT THEY ARE SAYING ...

About The EPA'S Decision To Delay Implementation of the 2015 Ozone Standards

Leaders Across The Country ...

Senate Majority Leader Mitch McConnell applauded Administrator Pruitt decision, calling the standards an attack on middle-class families from the Obama Administration. "I applaud Administrator Scott Pruitt for his decision to delay this Obama Administration issued regulation, which was finalized in October 2015. This regulation was yet another attack on the Middle Class by the Obama Administration and was forced through despite significant concern from communities across the country. Today's postponement will give states and municipalities relief in the interim while EPA continues to review NAAQS levels." ([Press Release](#), 06/06/17)

West Virginia Senator Shelley Moore Capito said state and local employers had insufficient time to comply with these standards. "State and local governments and employers across the country have had insufficient time to comply with the latest revisions to the ozone standards. I commend Administrator Pruitt and his staff at the EPA for acknowledging this reality and acting today to delay existing standards." ([Press Release](#), 06/06/17)

Arizona Senator Jeff Flake said the EPA is working with Arizonans to protect the environment, instead of the previous administration's one-size-fits-all approach. "It's great to see the EPA working with Arizonans for a change. Nowhere are the flaws of previous administration's one-size-fits-all approach to regulating ozone more evident than in Arizona, a desert state where naturally-occurring ozone makes it impossible to meet the new federal mandate. While today's move buys Arizona much-needed time, I remain committed to advancing a solution that will provide permanent relief from this egregious and unworkable rule." ([Press Release](#), 06/06/17)

Texas Attorney General Ken Paxton praised Administrator Pruitt for pausing this costly and ineffective rule, which will help the economy in Texas. "I am grateful for the leadership of EPA Administrator Pruitt in courageously pausing the costly and ineffective Ozone Rule, and I'm hopeful that the one-year delay will provide time for the EPA to review the detrimental effects the Ozone Rule will have on the Texas economy." ([Press Release](#), 06/06/17)

Recent News Coverage ...

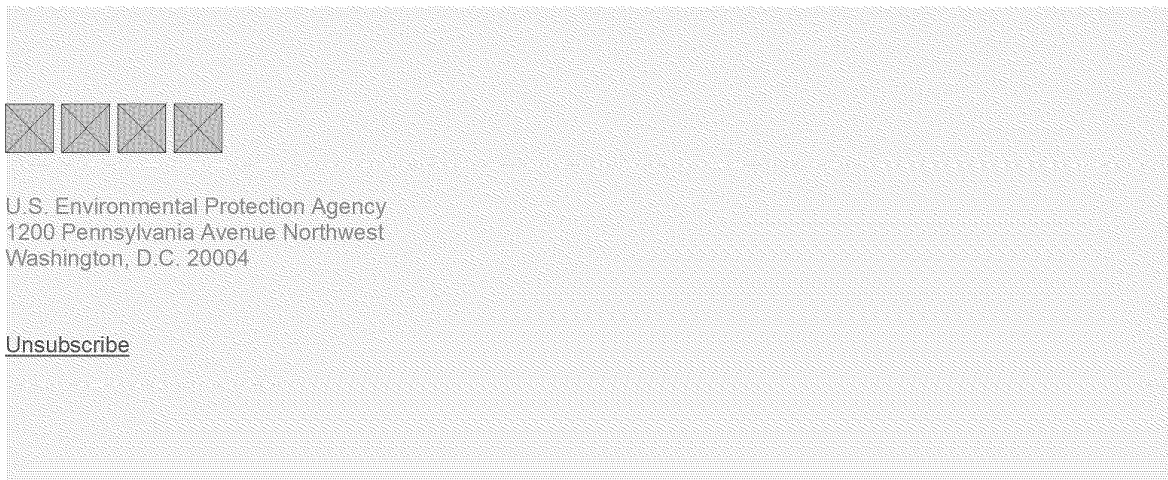
U.S. extends deadline for states to meet ozone pollution standard. "The U.S. Environmental

Protection Agency said on Tuesday it was extending the deadline by one year for states to declare which areas do not meet the federal standard for ground-level ozone, a pollutant linked to several serious health conditions." ([Reuters](#), 06/06/17)

EPA's Pruitt delays Obama-era smog rules for a year. "The Environmental Protection Agency announced Tuesday that it is giving states another year to meet strict rules for smog-forming ozone emissions set by the Obama administration, citing states' confusion over regulatory requirements and the need for the EPA to review the regulations. ... Pruitt also announced that he is establishing the Ozone Cooperative Compliance Task Force to develop the "additional flexibilities for states to comply with the ozone standard," the agency said. Congress gave EPA the authority to create the task force under the recently passed fiscal 2017 spending bill." ([The Washington Examiner](#), 06/06/17)

Trump Delays One Of The Most Expensive EPA Regulations Ever. "The Trump administration announced Tuesday evening it would delay the implementation of a smog rule that's been called one of the costliest clean air regulations ever." ([The Daily Caller](#), 06/07/17)

<image001.png>



To: Wilcox, Jahan[wilcox.jahan@epa.gov]
From: John Siciliano
Sent: Mon 6/26/2017 8:58:45 PM
Subject: Re: FW: JUSTICE DEPARTMENT AND STATE OF COLORADO FILE COMPLAINT AGAINST PDC ENERGY, INC. FOR ALLEGED CLEAN AIR ACT VIOLATIONS

Just call Ex. 6 - Personal Privacy

On Mon, Jun 26, 2017 at 4:57 PM, Wilcox, Jahan <wilcox.jahan@epa.gov> wrote:

What is the best number to reach you at?

From: John Siciliano [mailto:jsiciliano@washingtonexaminer.com]
Sent: Monday, June 26, 2017 3:39 PM

To: Wilcox, Jahan <wilcox.jahan@epa.gov>
Subject: Re: FW: JUSTICE DEPARTMENT AND STATE OF COLORADO FILE COMPLAINT AGAINST PDC ENERGY, INC. FOR ALLEGED CLEAN AIR ACT VIOLATIONS

As administrator

On Mon, Jun 26, 2017 at 3:36 PM, Wilcox, Jahan <wilcox.jahan@epa.gov> wrote:

As EPA Administrator or just ever?

From: John Siciliano [mailto:jsiciliano@washingtonexaminer.com]
Sent: Monday, June 26, 2017 3:26 PM
To: Wilcox, Jahan <wilcox.jahan@epa.gov>
Subject: Re: FW: JUSTICE DEPARTMENT AND STATE OF COLORADO FILE COMPLAINT AGAINST PDC ENERGY, INC. FOR ALLEGED CLEAN AIR ACT VIOLATIONS

Is this the first time Pruitt has leveled such a complaint against an oil and gas company?

On Mon, Jun 26, 2017 at 1:43 PM, Wilcox, Jahan <wilcox.jahan@epa.gov> wrote:

From: USDOJ-Office of Public Affairs (SMO) [<mailto:USDOJ-Office.of.Public.Affairs@usdoj.gov>]

Sent: Monday, June 26, 2017 1:17 PM

To: USDOJ-Office of Public Affairs (SMO) <USDOJ-Office.of.Public.Affairs@usdoj.gov>

Subject: JUSTICE DEPARTMENT AND STATE OF COLORADO FILE COMPLAINT AGAINST PDC ENERGY, INC. FOR ALLEGED CLEAN AIR ACT VIOLATIONS

NOTE: The Complaint is attached as a PDF.



Department of Justice

RELEASE	FOR IMMEDIATE	ENRD
MONDAY, JUNE 26, 2017	(202) 514-2007	
WWW.JUSTICE.GOV	(866) 544-5309	TTY

JUSTICE DEPARTMENT AND STATE OF COLORADO FILE
COMPLAINT AGAINST PDC ENERGY, INC. FOR ALLEGED CLEAN
AIR ACT VIOLATIONS

WASHINGTON – The Department of Justice, the Environmental Protection Agency (EPA) and the State of Colorado, on behalf of the Colorado Department of Public Health and Environment (CDPHE), today filed a civil complaint in federal court in Denver, Colorado, against PDC Energy, Inc. (PDC).

The complaint alleges violations of the Clean Air Act, the Colorado Air Pollution Prevention and Control Act, Colorado’s federally approved State Implementation Plan, and Colorado Air Quality Control Commission Regulation Number 7 (Regulation 7), for unlawful emissions of volatile organic compounds (VOC) from storage tanks that are, or until recently were, part of PDC’s oil and natural gas production system in the Denver-Julesburg Basin (D-J Basin) located in Adams and Weld Counties, Colorado.

“Violations of environmental law will be pursued and punished,” said Environmental Protection Agency Administrator Scott Pruitt. “We will work with our federal, state and local partners to punish those that violate the laws to the detriment of human health and the environment.”

“Reducing emissions from condensate storage tanks is a critical component of our efforts to bring the Denver Metro/North Front Range Area back into compliance with ground level ozone standards,” said Director of Environmental Programs Martha Rudolph of the Colorado Department of Public Health and Environment. “Colorado has been a leader in developing and implementing control requirements for these tanks and it is vitally important that we take the necessary steps to ensure that these requirements are uniformly followed.”

“Violating emissions standards endangers public health and can give violators an unfair advantage in the marketplace,” said Acting Assistant Attorney General Jeffrey H. Wood of the Department of Justice’s Environment and Natural Resources Division. “The United States will pursue all appropriate remedies against entities that violate our nation’s clean air laws.”

PDC owns or operates approximately 600 tank batteries in the D-J Basin that PDC has certified as being controlled to comply with Regulation 7's system-wide VOC reduction requirements. The complaint alleges that at 86 tank batteries, and potentially hundreds more, PDC has violated numerous requirements in Regulation 7 intended to address VOC emissions from storage tanks. The complaint alleges that PDC failed to adequately design, operate and maintain vapor control systems on condensate storage tanks resulting in VOC emissions from pressure relief valves and openings on condensate storage tanks.

The complaint alleges that PDC's failure to comply with these requirements has resulted in significant excess VOC emissions, a precursor to ground-level ozone. Ground-level ozone is a criteria pollutant, meaning that it causes or contributes to air pollution that may reasonably be anticipated to endanger public health or welfare. PDC operates in an area where air quality does not meet the National Ambient Air Quality Standards (NAAQS) for ground-level ozone.

These allegations are consistent with those set forth in the Compliance Advisory in December 2015 and the Notice of Violation in May 2017 that were both issued by CDPHE to PDC.

According to the complaint, following the issuance of the 2015 Compliance Advisory, CDPHE inspectors conducted additional inspections of PDC tank batteries and observed VOC emissions from several of the same tank batteries covered by the 2015 Compliance Advisory. CDPHE inspectors also observed VOC emissions from PDC tank batteries not covered by the 2015 Compliance Advisory and issued the 2017 Notice of Violation to PDC identifying violations of Regulation 7 at the other PDC tank batteries.

The civil complaint filed today seeks injunctive relief and the assessment of civil penalties. A civil complaint does not preclude the government from seeking other legal remedies.

The Clean Air Act is the comprehensive federal law that regulates air emissions of criteria pollutants and hazardous air pollutants from stationary and mobile

sources to protect public health and public welfare.

###

17-703

DO NOT REPLY TO THIS MESSAGE. IF YOU HAVE QUESTIONS,
PLEASE USE THE CONTACTS IN THE MESSAGE OR CALL THE OFFICE
OF PUBLIC AFFAIRS AT 202-514-2007.

To: Wilcox, Jahan[wilcox.jahan@epa.gov]
From: Jennifer A. Dlouhy (BLOOMBERG/ WASHINGTON)
Sent: Mon 6/26/2017 5:40:13 PM
Subject: Re:FW: JUSTICE DEPARTMENT AND STATE OF COLORADO FILE COMPLAINT AGAINST PDC ENERGY, INC. FOR ALLEGED CLEAN AIR ACT VIOLATIONS
[PDC Energy Inc. Complaint.pdf](#)

Thank you for flagging this!

Jennifer A. Dlouhy
jdlohy1@bloomberg.net / jendlouhyenergy@gmail.com
reporterjen@protonmail.com
Desk: 202.807.2159
Cell/Text/Signal: Ex. 6 - Personal Privacy
Twitter: @jendlouhyhc
Stories: <http://bloom.bg/23Crpvk>

From: wilcox.jahan@epa.gov
Subject: Re:FW: JUSTICE DEPARTMENT AND STATE OF COLORADO FILE COMPLAINT AGAINST PDC ENERGY, INC. FOR ALLEGED CLEAN AIR ACT VIOLATIONS

From: USDOJ-Office of Public Affairs (SMO) [mailto:USDOJ-Office.of.Public.Affairs@usdoj.gov]
Sent: Monday, June 26, 2017 1:17 PM
To: USDOJ-Office of Public Affairs (SMO) <USDOJ-Office.of.Public.Affairs@usdoj.gov>
Subject: JUSTICE DEPARTMENT AND STATE OF COLORADO FILE COMPLAINT AGAINST PDC ENERGY, INC. FOR ALLEGED CLEAN AIR ACT VIOLATIONS

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Department of Justice

RELEASE

FOR IMMEDIATE

ENRD

MONDAY, JUNE 26, 2017

(202) 514-2007

WWW.JUSTICE.GOV

(866) 544-5309

TTY

-

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17-703

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